



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

REGULAR MEETING OF THE MIDLAND CITY COUNCIL  
City Hall, 333 W. Ellsworth Street

January 11, 2016

7:00 p.m.

AGENDA

CALL TO ORDER - [Maureen Donker, Mayor](#)

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Thomas W. Adams  
Steve Arnosky  
Diane Brown Wilhelm  
Maureen Donker  
Marty A. Wazbinski

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the “Motion to adopt the Consent Agenda as indicated”. If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. \* [Approve minutes of the December 14 regular City Council meeting. TISDALE](#)

PROCLAMATIONS, AWARDS, RECOGNITIONS, PRESENTATIONS:

PUBLIC HEARINGS:

2. [Zoning Petition No. 603 - to amend the City of Midland zoning map by rezoning the property located at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community zoning \(also see material sent in the December 14 agenda packet\). KAYE](#)

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. (Please sign up with City Clerk before meeting). This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

ORDINANCE AMENDMENTS:

RESOLUTIONS:

3. [Approving resolutions for Currie Municipal Golf Course: KEENAN](#)
  - a. Accepting gifts of \$10,000 and \$20,000 from the Mary C. Currie Foundation.
  - b. Setting a public hearing to amend the 2015-16 Currie Municipal Golf Course Fund budget to increase revenues and expenses by \$30,000 for tree removal and reforestation, and demolition of the old driving range building and restoration of the surrounding area (1/25).
4. [Accepting a grant of \\$15,000 from the Midland Area Community Foundation for the purchase of a new Technical Rescue Equipment Trailer. COUGHLIN](#)
5. [\\* Receiving and filing the City and County Joint Building Authority Audit for the year ended June 30, 2015. KEENAN](#)

Considering purchases and contracts:

6. [\\* Modernization of two East End Elevators at Washington Woods. KAYE](#)
7. [\\* Demolition and Abatement of 13 West Wing Units at Washington Woods. KAYE](#)
8. [\\* Payment to Braun, Kendrick, Finkbeiner, P.L.C. for contracted legal services relating to the City's defense in the Larkin Charter Township complaint filed with the 42nd Circuit Court for the County of Midland. BRANSON](#)
9. [\\* Pool Chemicals. MURPHY](#)
10. [\\* Bituminous Mixture #2 - Public Services. MURPHY](#)
11. [\\* 22A Crushed Limestone - Public Services. MURPHY](#)
12. [\\* Concrete - Public Services. MURPHY](#)
13. [\\* Water Service Fittings - Water Distribution. BUSH](#)

Setting a public hearing:

NEW BUSINESS:

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TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION:

Citizen Comment Line: 837-3400  
City of Midland website address: [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

City of Midland email address: [cityhall@midland-mi.org](mailto:cityhall@midland-mi.org)  
Government Information Center: located near the reference desk at the Grace A. Dow  
Memorial Library

Attached documents for item Maureen Donker, Mayor

Attached documents for item \* Approve minutes of the December 14 regular City Council meeting. TISDALE

December 14, 2015

A regular meeting of the City Council was held on Monday, December 14, 2015, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Thomas Adams, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: Steve Arnosky (arrived at 7:11 p.m.)

### **MINUTES**

Approval of the minutes of the December 7, 2015 regular meeting was offered by Councilman Adams and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

### **PUBLIC COMMENTS**

No public comments were made.

### **SITE PLAN NO. 342**

Assistant City Manager for Community Development Brad Kaye presented information on Site Plan No. 342 – for a 6,672 square foot restaurant located at 830 Joe Mann Boulevard. Richard Fosgitt, representing requestor D & M Site Inc., spoke regarding the project. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the City Council has received the recommendation of the city Planning Commission for approval of Site Plan No. 342, the request of D & M Site, Inc. for site plan review and approval for a 6,672 square foot Lucky's Steakhouse restaurant located at 830 Joe Mann Boulevard; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 342 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 342, contingent upon the following:

1. A final stormwater management permit must be approved by the City Engineering Department.
2. A final soil and sedimentation control plan must be approved by the City Building Department.
3. Share access easement agreements must be executed and recorded at the Midland County Register of Deeds.

(Motion ADOPTED.)

### **SPACE – PO INCREASE**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, Midland City Hall was opened in 1989, and was designed with an open floorplan that provides customer access to virtually every department within the building and does not address many of the safety concerns that exist today; and

WHEREAS, technology and staff reductions have led to a significant change in how the City functions internally, as well as in service delivery to the community; and

WHEREAS, City Staff engaged SPACE to provide ideas and recommendations to address safety, operational, and customer service concerns for the City Hall staff and the Midland Community and has received ideas for changes to the floorplan of City Hall to address the aforementioned concerns, and the fee for this service was \$17,700; and

now wishes to engage SPACE to meet with the individual departments within City Hall to solicit feedback regarding the application of the recommendations and how they might impact operational efficiency and customer service, the fee for which will be an amount not-to-exceed \$4,550; now therefore  
 RESOLVED, that the purchase order to SPACE for the abovementioned services be increased to \$22,250 to provide for the intended additional services, and the City Manager be authorized to approve change orders not to exceed \$2,000, in total, bringing the total authorization for this service to \$24,250. (Motion ADOPTED.)

### **2016 SAGINAW ROAD IMPROVEMENTS**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, the City of Midland Engineering Department desires to contract out design and construction engineering services for the 2016 Saginaw Road Improvement project due to heavy workload; and

WHEREAS, on December 1, 2015, using a separate qualification based and separate financial based two-envelope process, sealed proposals were received from six engineering firms for Bid No. 3737, 2016 Saginaw Road Improvement, in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, a review of qualification statements by engineering staff indicated that all vendors were qualified to do the work; and

WHEREAS, financial proposals opened on December 8, 2015 indicated that Rowe Professional Services of Mount Pleasant submitted the lowest financial proposal in the amount of \$56,500; and

WHEREAS, funding has been provided for this purpose in Major Street fund; now therefore  
 RESOLVED, that the proposal submitted by Rowe Professional Services of Mount Pleasant, Michigan Inc. is hereby accepted and a purchase order is authorized to them in an amount of \$56,500; and

RESOLVED FURTHER, that the City Manager is authorized to approve increases to the purchase order in an aggregate amount not to exceed \$7,500 for valid reasons such as uncovered or unforeseen work related to this old road system. (Motion ADOPTED.)

### **ZONING PETITION NO. 603**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, December 8, 2015 for property located at 1517 Bayliss Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Residential B Multiple-Family zoning to Community zoning; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, January 11, 2016, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before December 23, 2015 and to publish said notice on December 26, 2015.

#### **ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREFTER ERECTED OR ALTERED, TO

DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A COMMUNITY ZONING DISTRICT WHERE A RESIDENTIAL B MULTIPLE-FAMILY ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

SITUATION IN THE CITY OF MIDLAND, COUNTY OF MIDLAND AND STATE OF MICHIGAN AND PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING 880 FEET EAST AND 286.9 FEET SOUTH OF THE SOUTH 1/8 CORNER ON THE WEST LINE OF SECTION 15, T14N, R2E; THENCE SOUTH 206.39 FEET; THENCE EAST 120 FEET; THENCE SOUTH 13.3 FEET; THENCE EAST 120 FEET; THENCE SOUTH 120 FEET; THENCE EAST 158.13 FEET; THENCE NORTH 354 FEET; THENCE WEST 120 FEET; THENCE NORTH 120 FEET; THENCE WEST 37.43 FEET; THENCE SOUTH 147.33 FEET; THENCE WEST 60 FEET; THENCE 147.33 FEET; THENCE WEST 60 FEET; THENCE SOUTH 133.9 FEET; THENCE WEST 120 FEET TO THE POINT OF BEGINNING.

Be, and the same is hereby changed to Community.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

#### **PROPOSED 2015-16 COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, on April 27, 2015, Midland City Council approved the Community Development Block Grant (CDBG) budget for fiscal year 2015-16; and

WHEREAS, the City of Midland has received \$233,381 in CDBG funds for fiscal year 2015-16 from the U.S. Department of Housing and Urban Development; and

WHEREAS, the City received \$5,000 in program income during the last fiscal year; and

WHEREAS, fiscal year 2014-15 ended with an additional \$103,087 in carry-over funding beyond what was projected at the time of budget adoption, equating to a total of \$183,327 in available fund balance; and

WHEREAS, since budget adoption, a grant award of \$25,000 has been declined by Caregiving Network; and

WHEREAS, it is necessary to amend the budget to appropriately reprogram the additional carry-over funds and the funds declined into other eligible CDBG activities; and

WHEREAS, on December 7, 2015, the Midland City Housing Commission unanimously recommended approval of the proposed amendments to the CDBG budget; and

WHEREAS, it is necessary to provide an opportunity for public input on the proposed expenditure of said funds; now therefore

RESOLVED, that a public hearing will be held on January 25, 2016, for the purpose of receiving public input on the proposed amendments to the Community Development Block Grant budget for fiscal year 2015-16, as set forth in the attached table (Attachment A). (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:00 p.m.

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Selina Tisdale, City Clerk



Attached documents for item Zoning Petition No. 603 - to amend the City of Midland zoning map by rezoning the property located at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community zoning (also see material sent in the December 14 agenda packet). KAYE

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 1-11-16**

**SUBJECT:** Zoning Petition No. 603

**PETITIONER:** Creative 360.

**PLANNING COMMISSION PUBLIC HEARING:** December 8, 2015.

**PLANNING COMMISSION ACTION:** Recommendation of approval.

**SUMMARY:** AMEND THE CITY OF MIDLAND ZONING MAP BY REZONING THE PROPERTY LOCATED AT 1517 BAYLISS STREET FROM RESIDENTIAL B MULTIPLE-FAMILY ZONING TO COMMUNITY ZONING.

**ITEMS ATTACHED AND PREVIOUSLY TRANSMITTED:**

1. Letter to City Manager setting forth Planning Commission action.
2. Ordinance for City Council Action.
3. Staff Report to Planning Commission dated December 1, 2015. (See packet from December 14, 2015.)
4. Planning Commission minutes of December 8, 2015. (public hearing) (See packet from December 14, 2015.)
5. Communication(s). (See packet from December 14, 2015.)
6. Map showing location of property.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: January 11, 2016.
2. 3/5 vote required.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK

1-6-16



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov*

January 6, 2016

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, December 8, 2015, the Planning Commission considered Zoning Petition No. 603, the request of Creative 360, to rezone property located at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community zoning.

Zoning Petition No. 603 was recommended for approval by City Planning Staff for reasons outlined in the staff report previously provided to City Council. After deliberation on the petition, the Planning Commission took the following action:

Motion by Senesac and seconded by Hanna to recommend to City Council the approval of Zoning Petition No. 603 initiated by Creative 360 to zone property at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community zoning.

Vote on the motion:

YEAS: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek, Senesac, and Tanzini  
NAYS: None  
ABSENT: Stewart

The motion was approved 8 to 0.

No public comments were received at the public hearing held by the Planning Commission. One written letter of support was received by the Planning Commission. One further letter of support has been provided to City Council.

On December 14, 2015 the City Council set a public hearing for January 11, 2016 at 7:00 p.m. to consider Zoning Petition No. 603. A resolution approving the petition is now presented for City Council consideration following conclusion of the public hearing.

Respectfully,

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – ZP #603 PH

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A COMMUNITY ZONING DISTRICT WHERE A RESIDENTIAL B MULTIPLE-FAMILY ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

SITUATION IN THE CITY OF MIDLAND, COUNTY OF MIDLAND AND STATE OF MICHIGAN AND PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING 880 FEET EAST AND 286.9 FEET SOUTH OF THE SOUTH 1/8 CORNER ON THE WEST LINE OF SECTION 15, T14N, R2E; THENCE SOUTH 206.39 FEET; THENCE EAST 120 FEET; THENCE SOUTH 13.3 FEET; THENCE EAST 120 FEET; THENCE SOUTH 120 FEET; THENCE EAST 158.13 FEET; THENCE NORTH 354 FEET; THENCE WEST 120 FEET; THENCE NORTH 120 FEET; THENCE WEST 37.43 FEET; THENCE SOUTH 147.33 FEET; THENCE WEST 60 FEET; THENCE 147.33 FEET; THENCE WEST 60 FEET; THENCE SOUTH 133.9 FEET; THENCE WEST 120 FEET TO THE POINT OF BEGINNING.

Be, and the same is hereby changed to Community.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

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Selina Tisdale, City Clerk

# Midland

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## NOTICE OF PUBLIC HEARING

### PROPOSED ZONING ORDINANCE AMENDMENT ZONING PETITION NO. 603

Authorized by the City Council on Monday, December 14, 2015.

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, December 8, 2015 for property located at 1517 Bayliss Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Residential B Multiple-Family zoning to Community zoning; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, January 11, 2016, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before December 23, 2015 and to publish said notice on December 26, 2015.

### AN ORDINANCE TO AMEND ORDINANCE NO. 1585

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

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Be, and the same is hereby changed to Community.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Considered first reading.)

Selina Tisdale  
City Clerk  
Midland, Michigan

*I am in favor of this change*

**TOM MC CANN**  
3310 Jefferson Ave.  
Midland, MI 48640

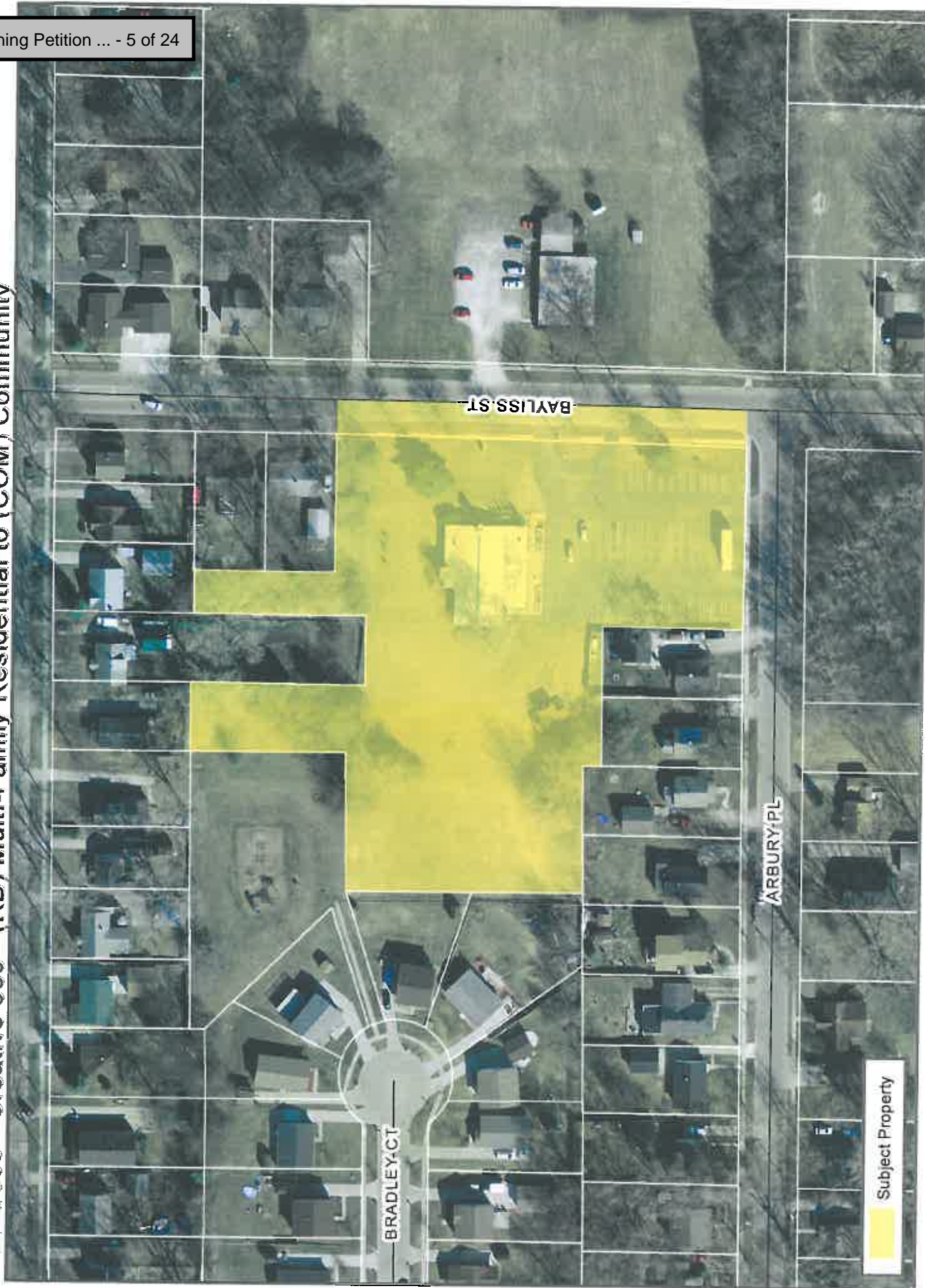
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MIDLAND, MICHIGAN  
2015 DEC 21 P 3:58  
*Selina Tisdale*

*Orig: mgr  
cc: Clerk -  
Planning*



# 1517 Bayliss Street

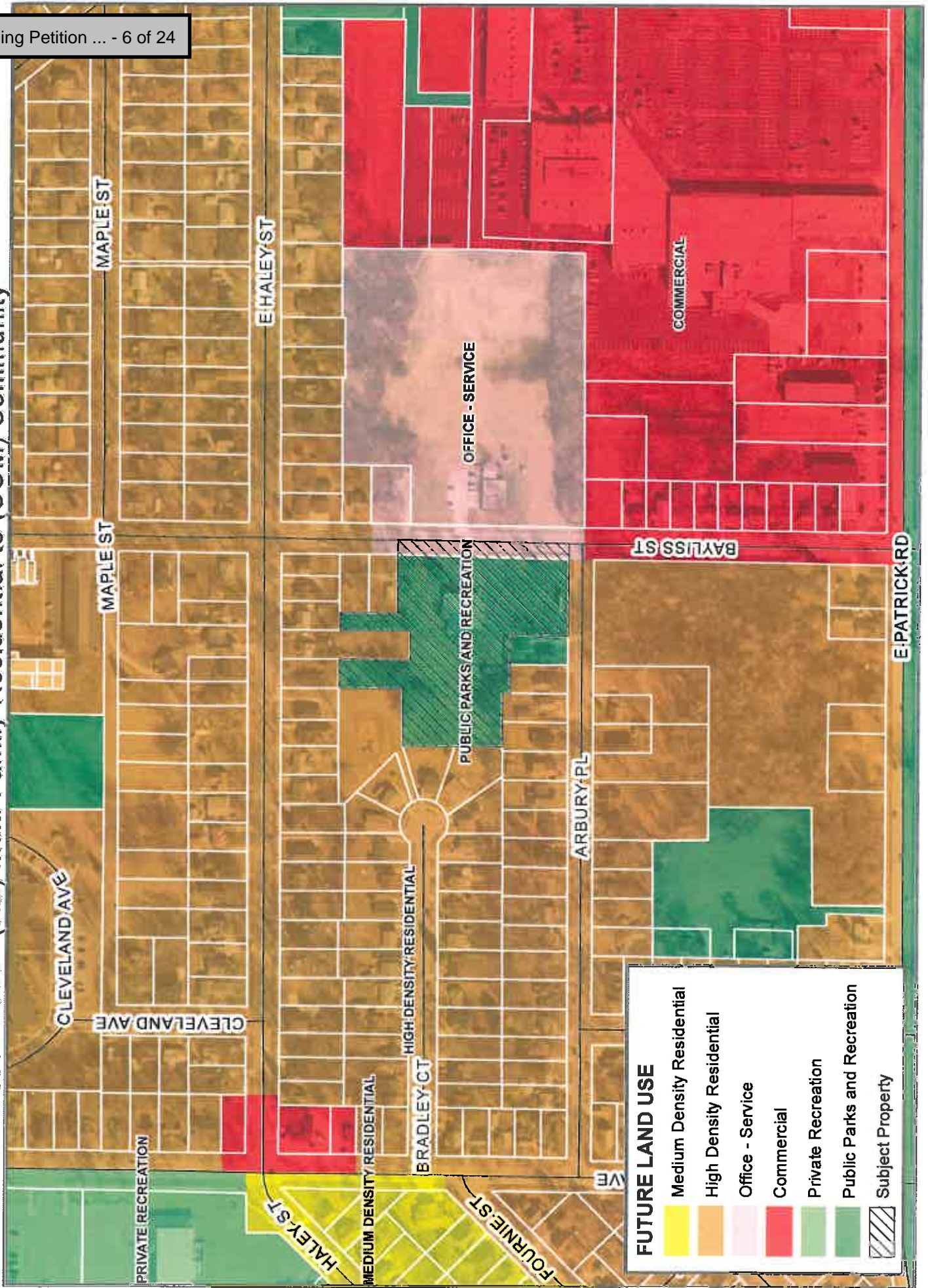
> ZP #603 - Creative 360 - (RB) Multi-Family Residential to (COM) Community





# 1517 Bayliss Street

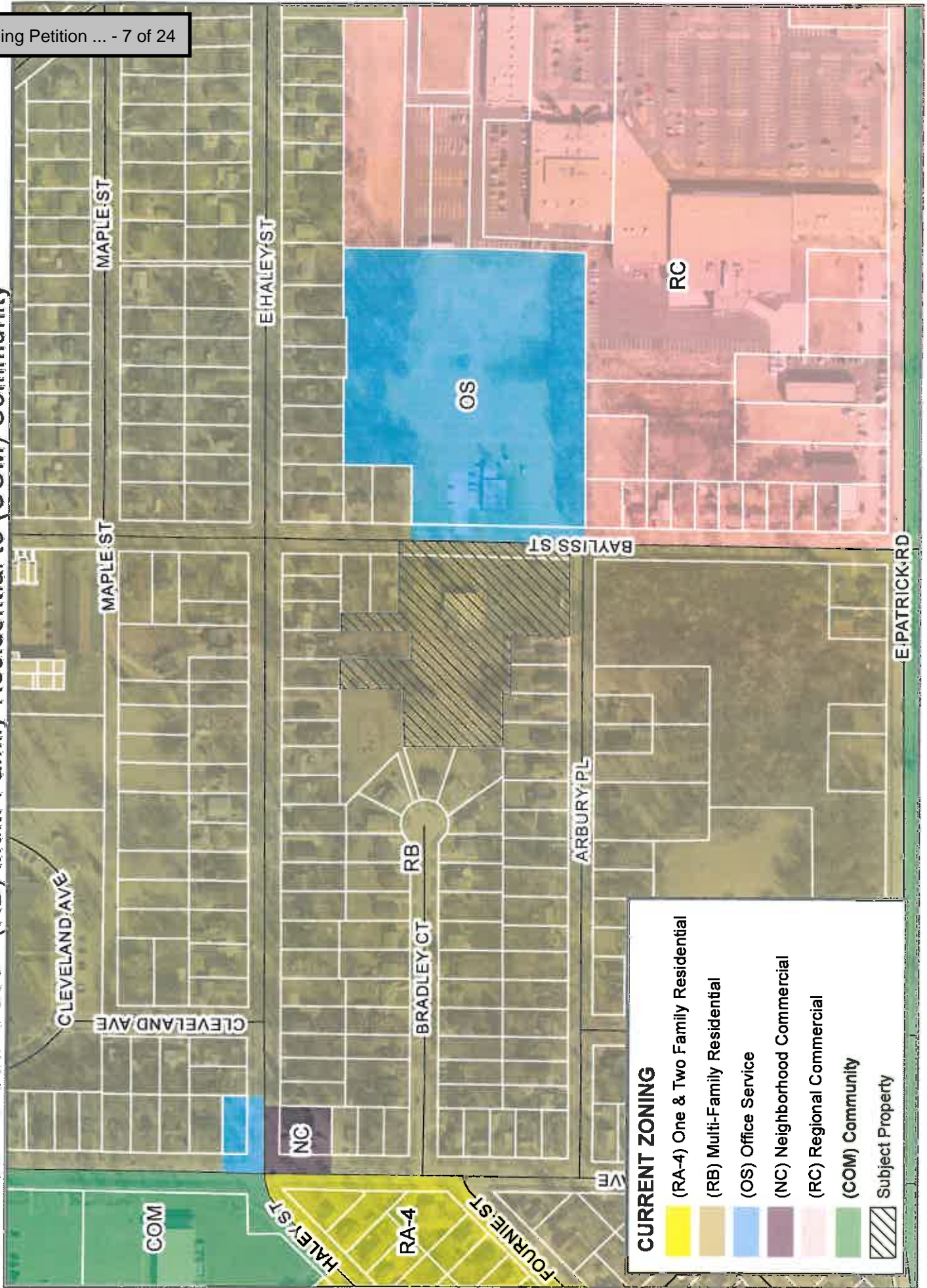
> ZP #603 - Creative 360 - (RB) Multi-Family Residential to (COM) Community





# 1517 Bayliss Street

> ZP #603 - Creative 360 - (RB) Multi-Family Residential to (COM) Community





**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 12-14-15**

**SUBJECT:** Zoning Petition No. 603

**PETITIONER:** Creative 360.

**PLANNING COMMISSION PUBLIC HEARING:** December 8, 2015.

**PLANNING COMMISSION ACTION:** Recommendation of approval.

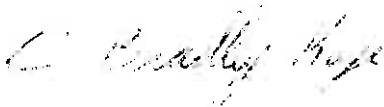
**SUMMARY:** ACTION TO SET A PUBLIC HEARING TO AMEND THE CITY OF MIDLAND ZONING MAP BY REZONING THE PROPERTY LOCATED AT 1517 BAYLISS STREET FROM RESIDENTIAL B MULTIPLE-FAMILY ZONING TO COMMUNITY ZONING.

**ITEMS ATTACHED:**

1. Letter to City Manager setting forth Planning Commission action.
2. Resolution for City Council Action.
3. Staff Report to Planning Commission dated December 1, 2015.
4. Planning Commission minutes of December 8, 2015. (public hearing)
5. Communication(s).
6. Map showing location of property.

**CITY COUNCIL ACTION:**

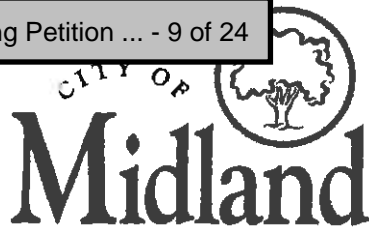
1. Public hearing is required. Date: January 11, 2016.
2. Advertising date: December 26, 2015.  
Public Hearing notification to area residents mail date: December 23, 2015.
3. 3/5 vote required to set a public hearing.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK

12-9-15



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December 9, 2015

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, December 8, 2015, the Planning Commission considered Zoning Petition No. 603, the request of Creative 360, to rezone property located at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community zoning.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Senesac and seconded by Hanna to recommend to City Council the approval of Zoning Petition No. 603 initiated by Creative 360 to zone property at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community zoning.

Vote on the motion:

YEAS: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek, Senesac, and Tanzini  
NAYS: None  
ABSENT: Stewart

The motion was approved 8 to 0.

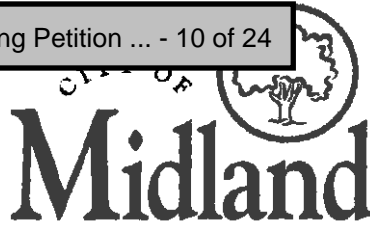
The City Council is therefore being requested to set a public hearing to consider Zoning Petition No. 603 for January 11, 2016 at 7:00 p.m.

Respectfully,

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – ZP #603 Set PH



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.midland-mi.org](http://www.midland-mi.org)

**BY COUNCILMAN**

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, December 8, 2015 for property located at 1517 Bayliss Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Residential B Multiple-Family zoning to Community zoning; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, January 11, 2016, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before December 23, 2015 and to publish said notice on December 26, 2015.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A COMMUNITY ZONING DISTRICT WHERE A RESIDENTIAL B MULTIPLE-FAMILY ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

**SITUATION IN THE CITY OF MIDLAND, COUNTY OF MIDLAND AND STATE OF MICHIGAN AND PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING 880 FEET EAST AND 286.9 FEET SOUTH OF THE SOUTH 1/8 CORNER ON THE WEST LINE OF SECTION 15, T14N, R2E; THENCE SOUTH 206.39 FEET; THENCE EAST 120 FEET; THENCE SOUTH 13.3 FEET; THENCE EAST 120 FEET; THENCE SOUTH 120 FEET; THENCE EAST 158.13 FEET; THENCE NORTH 354 FEET; THENCE WEST 120 FEET; THENCE NORTH 120 FEET; THENCE WEST 37.43 FEET; THENCE SOUTH 147.33 FEET; THENCE WEST 60 FEET; THENCE 147.33 FEET; THENCE WEST 60 FEET; THENCE SOUTH 133.9 FEET; THENCE WEST 120 FEET TO THE POINT OF BEGINNING.

Be, and the same is hereby changed to Community.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 14, 2015.

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Selina Tisdale, City Clerk



ZP #603

Date: December 1, 2015

### **STAFF REPORT TO THE PLANNING COMMISSION**

**SUBJECT:** ZONING MAP AMENDMENT

**APPLICANT:** Creative 360

**LOCATION:** 1517 Bayliss Street

**PROPOSAL:** From (RB) Multiple-Family Residential to (COM) Community

**AREA:** 2.69 Acres

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### **REPORT**

Zoning Petition No. 603, initiated by Creative 360, proposes to rezone the subject property from (RB) Multiple-Family Residential to (COM) Community. Creative 360 is a nonprofit, cultural and art facility which specializes in providing classes, events, art exhibits, concerts and outreach programs to people of all ages and abilities to experience the creative process. The proposed zoning change would place the use of the property within a zoning district which permits the use by right.

### **BACKGROUND**

The subject parcel is currently zoned (RB) Multiple-Family Residential in its entirety which matches the zoning of the surrounding properties to the north, south, and west. The establishment of this multiple-family zoning district within this area of the city appears to precede the current zoning ordinance which was adopted in 2004.

The site is presently occupied by a single building, a parking lot, a collection of community garden beds and a small collection of outdoor art installations. The building was formerly used as a place of worship but became the home of Creative 360 in 2003 when the nonprofit purchased the facility.

The subject property is surrounded by single-family homes on the north, south, and west. To the northwest is the city-owned Theis Park. To the east, across Bayliss Street, exists a radio broadcasting office.

At the Master Plan level, the subject property is identified and designated for Public Parks and Recreation purposes on the Future Land Use plan. As a "park" zoning district does not exist, the proposed COM zoning district is the commonly used district to implement this land use designation into the Zoning Ordinance.

## ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at a minimum, consider the following before taking action on any proposed zoning map amendment:

**1. Is the proposed amendment consistent with the City's Master Plan?**

Yes. The Future Land Use map of the City's Master Plan identifies the subject parcel for Public Parks and Recreation purposes. The (COM) Community zoning district proposed is the most appropriate for implementation of this designation and will allow for an appropriate range of special public, quasi-public and private uses on the site.

**2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?**

Yes. In staff's opinion, the proposed zonings will promote the intent of the zoning code through reclassification of the parcel as stated (outlined below) in the City's zoning code.

### **Section 1.02 INTENT**

*It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.*

**3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?**

Yes. The original intent behind the multiple-family zoning of this parcel appears to be for consistency with the surrounding parcels on the north, south and west. The Master Plan designating this entire parcel for Public Parks and Recreation purposes, however, is evidence that this parcel is intended to provide for public, community-based type uses. This land use designation and related intent justifies the proposed zoning change.

**4. Will the amendment merely grant special privileges?**

No. The zoning amendments, if granted, will apply appropriate COM zoning to the full extent of a parcel of land planned for such use by the Master Plan.

**5. Will the amendment result in unlawful exclusionary zoning?**

No. The zoning amendments would initiate a pattern of zoning designation that is consistent with the overall intent of the Master Plan.

**6. Will the amendment set an inappropriate precedent?**

No. It is a regular occurrence to apply zoning to parcels of land in a manner consistent with the Master Plan designation. The COM district is an appropriate zone to apply the Public Parks and Recreation Master Plan designation.

**7. Is the proposed zoning consistent with the zoning classification of surrounding land?**

Parcels to the north, south and west are zoned RB whereas parcels to the east across Bayliss Street are zoned (OS) Office Service. The long range intent of the future land use plan within the City's Master Plan is for the subject parcel to be used for Public Parks and Recreation. Establishing a COM district to accomplish this intent is appropriate. This rezoning will, however, establish a zoning district on this parcel that is separate and distinct from that of the surrounding parcels.

**8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?**

This parcel and 405 Arbury Place are the only two parcels of land designated for Public Parks and Recreation purposes in the immediate area. The surrounding land to the north, south and west is planned for High Density Residential purposes. To the east the land is planned for Office-Service purposes and to the southeast, the land is planned for Commercial purposes.

**9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?**

Yes. The parcel will meet all applicable zoning requirements. All future development and use of the site would also be capable of meeting the requirements of the recommended zoning district.

**10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?**

Yes, the current use is considered consistent and generally compatible with existing land development in the vicinity. The subject parcel is used for quasi-public purposes at this time. Lands in the general area are a collection of public parkland, single-family homes and office service uses. Directly across the street is a radio broadcasting office and to the immediate northwest is the city-owned Theis Park. The subject site has been used as a semi-public facility for many years, first as a place of worship and now a nonprofit cultural center, since the building's construction.

## **STAFF RECOMMENDATION**

Upon review of the requested zoning change, staff recommends approval of the rezoning petitions for the following reasons:

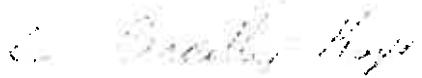
- The subject parcel is designated for Public Parks and Recreation purposes by the City of Midland Master Plan.
- The (COM) Community zoning district is the district specifically intended to implement the Public Parks and Recreation designation of the Master Plan.
- The COM district is a logical classification to apply to this parcel given the historical use and future land use plan.
- The COM district is generally compatible with the mix of RB, OS and RC zoning that exists in the general area of the subject parcel.

- The proposed zoning district is considered appropriate given the existing and anticipated future development patterns in the area.

#### **PLANNING COMMISSION ACTION**

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on December 8, 2015 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on December 14, 2015 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for January 11, 2016 at which time a decision will be made on the proposed zoning change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



C. Bradley Kaye, AICP  
Director of Planning and Community Development



**MINUTES OF THE MEETING OF THE  
MIDLAND CITY PLANNING COMMISSION  
WHICH TOOK PLACE ON  
TUESDAY, DECEMBER 8, 2015, 7:00 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

**3. Roll Call**

**PRESENT:** Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek, Senesac and Tanzini

**ABSENT:** Stewart

**OTHERS PRESENT:** Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; and twelve (12) others.

**4. Approval of Minutes**

Moved by Heying and seconded by Hanna to approve the minutes of the regular meeting of November 10, 2015 as written. Motion passed unanimously.

**5. Public Hearing**

- a. Zoning Petition No. 603 – initiated by Creative 360 to rezone property at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community District zoning.

Murschel gave the staff presentation of the proposal. He highlighted the subject area and the surrounding land uses, zoning districts and future land use designations as specified in the City's Master Plan. He indicated that the subject site is currently used as a nonprofit cultural facility which focuses in providing programs for persons of all age to experience the creative process. Murschel also indicated that one letter of support was received ahead of the meeting and numerous phone calls were received inquiring about the proposal from surrounding neighbors. None of the individuals who called submitted any comments in support or opposition of the proposal.

Senesac wondered about possible spot zoning. Murschel explained that while the proposal will initiate a new zoning district on a single parcel, the proposal is in line with the Master Plan. Kaye continued that the nature of the COM district is one that is given to single parcels in many cases as the district is meant for unique uses that have a public or quasi-public benefit.

Don Koster, of ArchiVerde Design, LLC, presented for the applicant. He indicated that Creative 360 has been in the facility for 12 years. The structure itself was originally designed and constructed as a place of worship. Currently, the organization is in the exploratory phase of future expansion as many concepts have been reviewed but nothing has been decided. The proposal from the organization is to obtain a more suitable zoning district that best captures the use that is taking place within the facility and on the site.

There were no comments in support or opposition of the proposal. The public hearing was closed.

Heying commented that the proposal is the most appropriate district for the site given the current use of the site and intention of the organization.

A motion was made by Senesac to waive the procedural requirements to delay a decision on the petition until the next meeting. The motion was seconded by Hanna. It was approved unanimously.

**Planning Commission Minutes  
December 8, 2015**

It was moved by Senesac and supported by Hanna to recommend approval of Zoning Petition No. 603 initiated by Creative 360 to rezone property at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community District zoning.

YEAS: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek, Senesac, and Tanzini  
NAYS: None  
ABSENT: Stewart

- b. Site Plan No. 342 – initiated by D & M Site, Inc. for site plan review and approval of a 6,672 square foot Lucky's Steakhouse restaurant, located at 830 Joe Mann Boulevard.

Murschel gave the staff presentation on the proposal. He explained that site development configuration and how it is built within the surrounding environment. The development is proposing shared access with the site to the north and east; this configuration removes the need for an additional curb cut directly onto Joe Mann Boulevard. Staff is very supportive of the shared access nature of the proposal. He further indicated that the site meets all requirements for the zoning district, landscaping and screening. Regarding stormwater management, the plans submitted have been reviewed and supported by the City Engineering Department but require a final stormwater management permit. The two other outstanding items needed are the execution and recording of shared access easement agreements and a final soil erosion and sedimentation control permit.

Heying wondered about the stormwater design as it appears that the subject site is currently quite lower than the Residence Inn site to the immediate north. Murschel explained that the grading plan has been developed to overcome that elevation change. The stormwater plan incorporates a small amount of parking lot detention with some underground storage with most of the water draining to the common/shared pond north of the Residence Inn.

Senesac commented on the lack of pedestrian oriented connections between the new development and the existing Residence Inn development. Mayville commented on the limited amount of light in that area. He cautioned that pedestrians accessing the restaurant from the nearby hotels might be forced to walk in the dark for a period before getting to their destination; this would be a safety hazard.

Bain noted that Joe Mann Boulevard is saturated with vehicle traffic currently. He wondered if a traffic study has been done on the boulevard that would support the addition of this restaurant. Murschel indicated that he did not know when the last formal traffic study was conducted on this corridor but explained that development in this area is very closely watch by City Planning and Engineering officials. The site proposal itself was also submitted to the City's traffic consultant for his review. The proposed locations of the shared driveways which access T Moore Drive directly rather than Joe Mann Boulevard is a large alleviating factor to the impacts on traffic flow on Joe Mann Boulevard.

Rich Fosgitt, of D&M Site, presented as the agent for the applicant. He indicated that he has had a large amount of experience of doing civil design work within the area of Midland, going back to when he worked on the project for the Midland Mall. He spoke to concerns regarding stormwater and indicated that the finish floor elevation of the proposed building will be four feet higher than the current elevation; this will require a large amount of fill to be brought into the site. With this grading change and the detention design proposed within the parking lot and underground, the stormwater will flow primarily into the common/shared pond north of the Residence Inn with some flowing into the drain connection to the storm sewer under Joe Mann Boulevard. He also indicated that he would present the idea of further sidewalk connections to the property owner of Residence Inn. Regarding lighting, there is considerable light spill over in this area of the corridor as the developments to the south and west have 50' high lighting poles. Proposed on the site is 20' poles which adequately illuminate the site. Further development to the immediate east of the site will increase the light levels

within the area in the future.

Jodi Cooley, Manager of SpringHill Suites, spoke in support of the proposal. She indicated that her business welcomes this restaurant as it will provide an additional dining option to her patrons. She also indicated her support for a traffic study for Joe Mann Boulevard.

There were no public comments in opposition of the petition. The public hearing was closed.

Pnacek indicated that he felt that the site plan was designed well and that the shared access proposed is a good addition. He hopes that the additional sidewalks can be resolved by the two parties. Senesac indicated that he supports the shared access that is proposed. McLaughlin commented that shared access drives in this area have been a dream of the commission and he is glad to see one finally proposed.

Heying explained that he now understands the stormwater management design and he is supportive of the proposal. Hanna commented that she is supportive of the plan and is glad to see the inclusion of the bike rack.

A motion was made by Heying to waive the procedural requirements to delay a decision on the proposal until the next meeting. The motion was seconded by Hanna. The motion was approved unanimously.

It was moved by Heying and supported by Hanna to recommend approval of Site Plan No. 342 initiated by D & M Site, Inc. for site plan review and approval to City Council contingent on:

1. A final stormwater management permit must be approved by the City Engineering.
2. A final soil and sedimentation control plan must be approved by the City Building Department.
3. Shared access easement agreements must be executed and recorded at the Midland County Register of Deed.

YEAS: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek, Senesac, and Tanzini  
NAYS: None  
ABSENT: Stewart

**6. Old Business**

None

**7. Public Comments (unrelated to items on the agenda)**

None

**8. New Business**

**a. Non-Motorized Transportation Committee Update – Dave Waite**

Waite reviewed the NMT Committee update as supplied in the agenda packet. He reviewed the education and encouragement, engineering, and evaluation activities of the committee. The numbers of students which bike to school in Midland are higher than the national average at 3.1%. The counts of the number of students biking have continued to increase. Bicycling and walking fatalities remained flat at zero for the year. Eastlawn Drive and Saginaw Road still proves to be the intersection with the most incidents within the City.

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December 8, 2015**

Bain wondered if there was a trend of incidents with bicyclists not using proper lights when biking at night. Waite indicated that there has not been a trend with this type of incident but he is aware that it is an issue.

Senesac inquired about the results of the education and encouragement efforts. Waite indicated that the group has seen some improvements in this area; one example is a lack of road rage incidents as had happened in prior years.

Waite reviewed the Committee's goals and intentions for 2016. These include reapplication for the Bicycle Friendly Community recognition, engaging with The Arc of Midland, and a Midland Community Bike Tour (similar to the "Slow Roll" movements in Detroit, Bay City and Saginaw). An education component will be provided during the bike tour initiative. Waite will approach the City regarding the need for liability coverage on the ride.

The NMT has been working with representatives from the Midland Metropolitan Planning Organization (MPO) regarding NMT initiatives within the areas outside the city. The areas will be intentional connections to future non-motorized projects in Midland County and other surrounding counties.

Waite indicated that the NMT Committee would like to see Complete Streets policy be included in the ongoing processes of the City. He showed a sample of Complete Street review for the Midland MPO. After 2016, Waite indicated that the Committee should be dissolved having substantially completed the objectives given to it and an advisory group should be formed in its place.

Hanna thanked the Committee for the very comprehensive report. Senesac would like the visibility to be reviewed for the NMT map on the City's website as he believes that if the visibility was increased possibly more people would engage in non-motorized transportation.

Kaye explained that moving forward the policies of Complete Streets and non-motorized transportation should be better incorporated into the City's Master Plan and Zoning Ordinance. He indicated that a specialist could be brought in to assist city staff on this activity. Kaye also spoke to the efforts of Momentum Midland and how it relates to the objectives of the NMT Committee. In addition, he touched on the ongoing way-finding signage program that is being developed through a focus group. This program is funded through the Entranceways Initiative Taskforce.

Hanna commented that in her experience with the committee she noticed that there could be more engagement from the school system. Kaye indicated that the NMT Committee has reached out to the public schools on multiple occasions.

**b. N. Saginaw Road – Future Land Use Plan Designation Update**

Kaye reviewed the item and indicated that it is more of a procedural matter regarding changes to the Future Land Use map of the Master Plan on the west side of the city. He focused on the current Master Plan which does not include future land use designations on some areas within the MUGA boundary which were included in the adoptions prior to the update in 2013. Kaye is asking for permission on the procedures for amending the Master Plan in this area, as indicated in the staff report.

Senesac commented that he likes the idea of gaining input before engaging in the more formal process. He would also like to see an effort towards encouraging other residents to provide input from those who are not property owners within the focus area. Kaye explained that a full inclusionary effort will begin, as required by the state, once the formal amendment process is started.

Heying indicated that he would like to see the proposed process followed. He explained that he likes the idea of trying to encourage more input for property owners. Mayville added that he would

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like to see the expectations of the meeting adequately communicated to those who participate to make sure there are no unrealistic expectations for the process.

Kaye also indicated that the director of Dahlia Hill has approached the city regarding the zoning of the property. The zoning currently does not support the use of the site and the future land use also does not support a zoning district that would support the use. Further consideration of this area will likely be proposed in the near future as part of the Master Plan review and update.

**9. Communications**

Two magazine communications were distributed to the Commissioners.

**10. Report of the Chairperson**

None.

**11. Report of the Planning Director**

Kaye reported on the two approvals by City Council last night: the Stark Road/N. Saginaw Road rezoning request and the conditional land use proposal for two duplexes on Indian Street. He also updated the Commission on the progress of MDOT's study of the US-BR10 through the city. The study is ongoing and includes a good representation of individuals within the city on the steering committee. Development of the capital improvement plan is also ongoing.

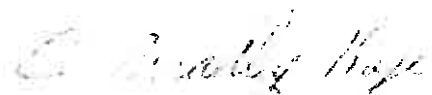
**12. Items for Next Agenda – January 12, 2016**

- a. N. Saginaw Road – Future Land Use Plan Designation Update – Public Hearing

**13. Adjourn**

Motion by Senesac and seconded by Heying to adjourn at 9:10 p.m. Motion passed unanimously.

Respectfully submitted,



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

RECEIVED

PLANNING DEPT

**PUBLIC HEARING NOTICE**  
**City of Midland**  
**Proposed Zoning**

Please take notice that the Midland City Planning Commission will conduct a public hearing on Zoning Petition No. 603, initiated by Creative 360 to zone property at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community District zoning, as illustrated on the location map shown below.

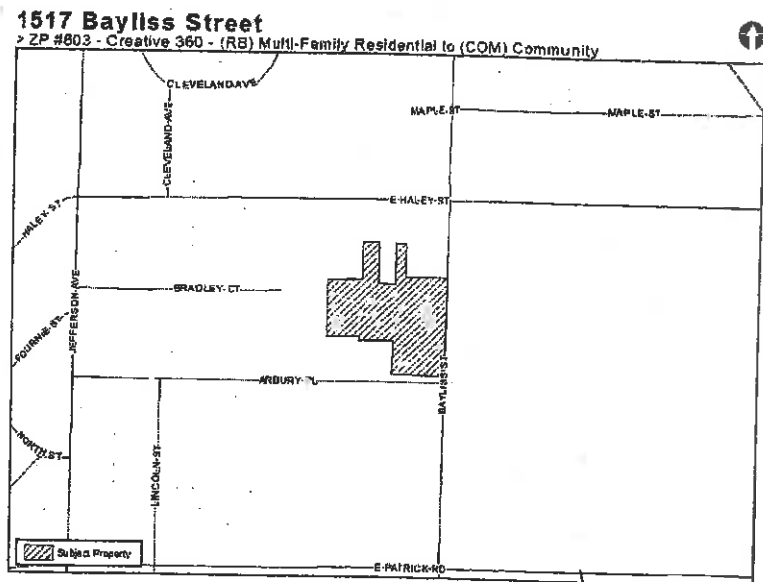
Said hearing will take place on Tuesday, December 8, 2015, at 7:00 p.m., in Council Chambers, City Hall, Midland, Michigan, as required by Article XXXV, Section 35.1(b) of Ordinance No. 727.

If you have any questions, contact the City Planning Department at 837-3374.

MIDLAND CITY PLANNING COMMISSION

ZONING PETITION NO. 603  
Residential B to Community District

*C. Bradley Kaye*  
C. Bradley Kaye, AICP, CFM  
Assistant City Manager for  
Development Services

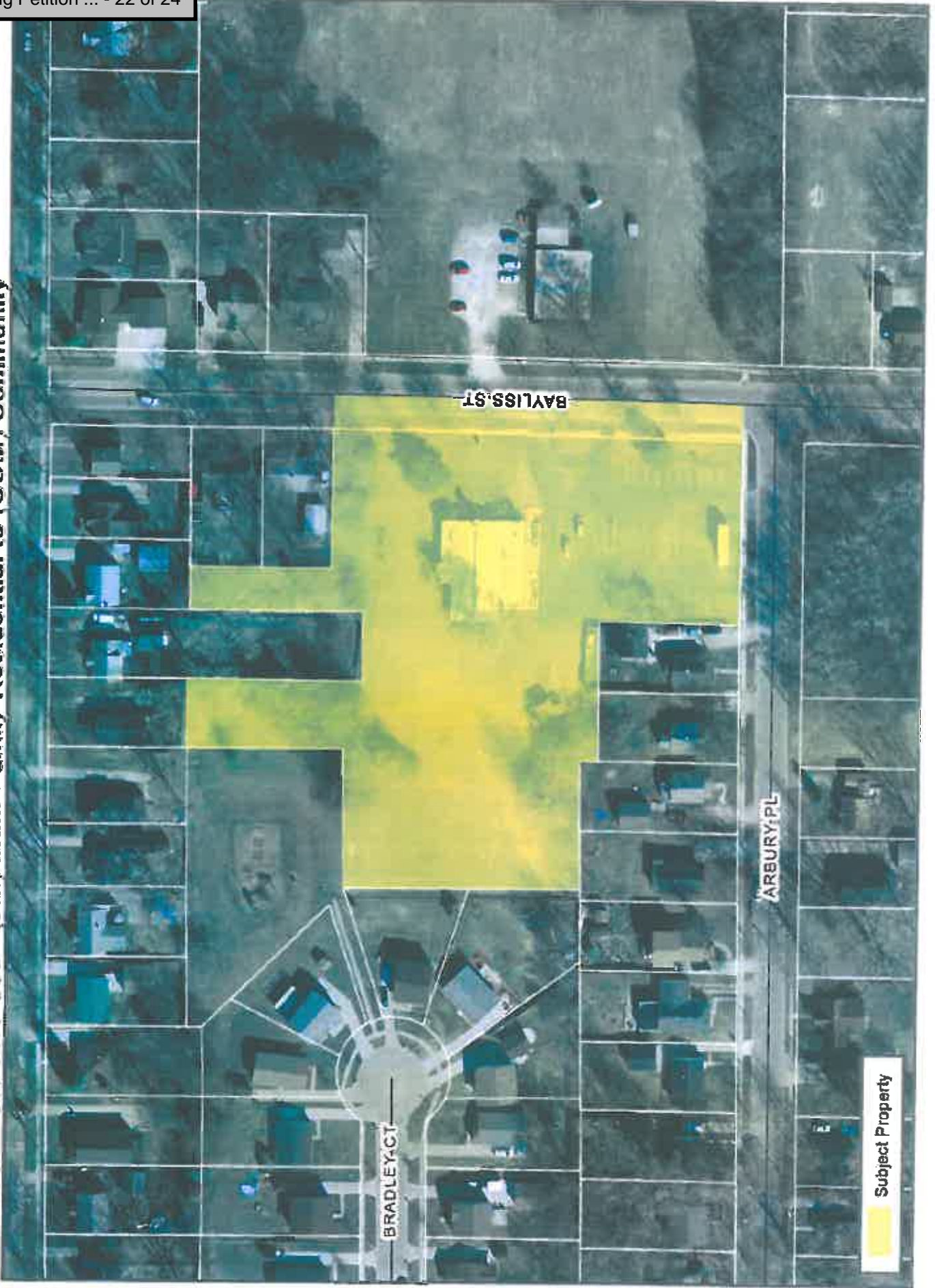


*I am in favor  
of granting this  
Request  
Tom McParr  
3310 Jefferson Ave*



# 151/ Bayliss Street

> ZP #603 - Creative 360 - (RB) Multi-Family Residential to (COM) Community

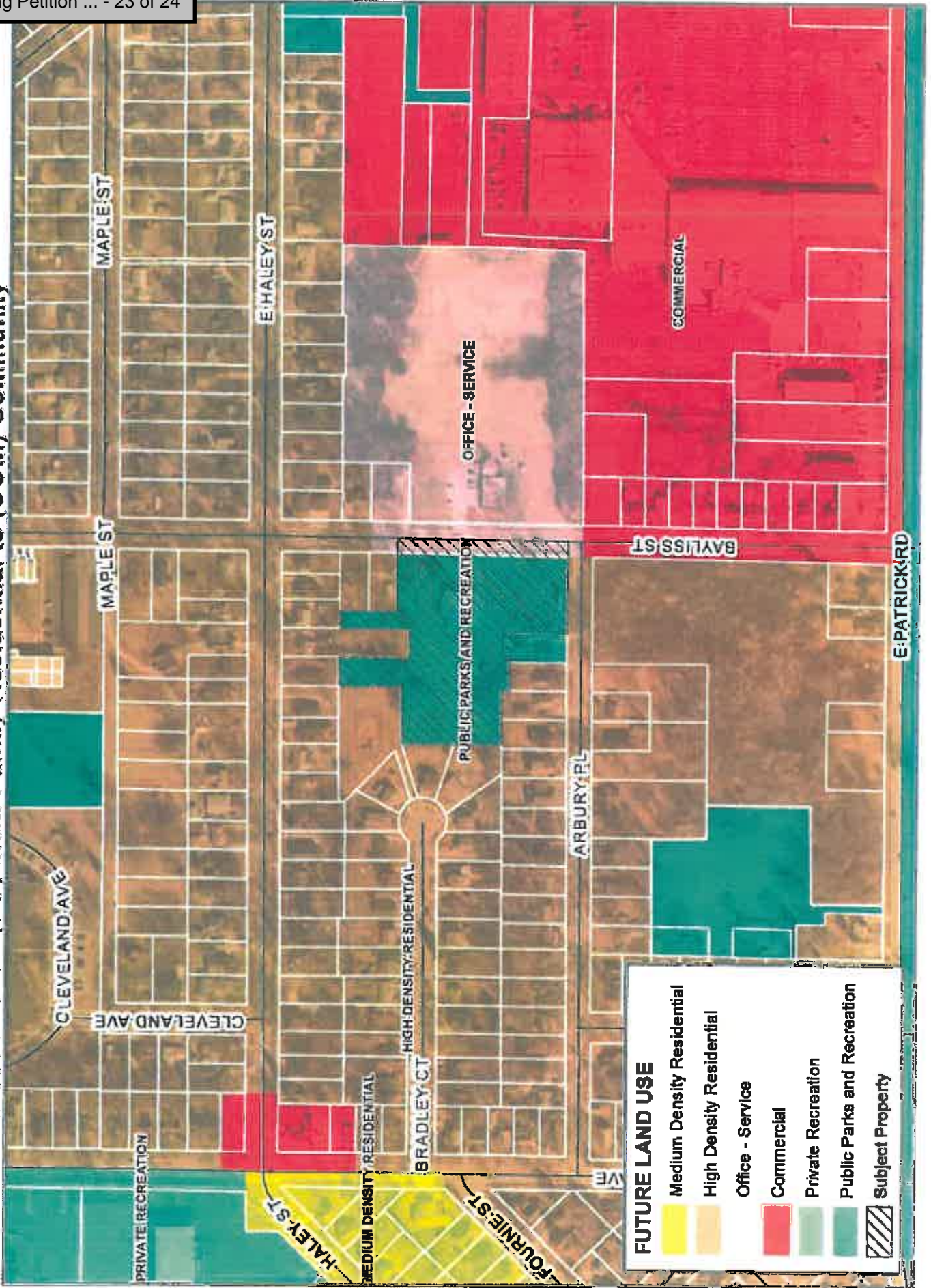


Subject Property



# 151/ Bayliss Street

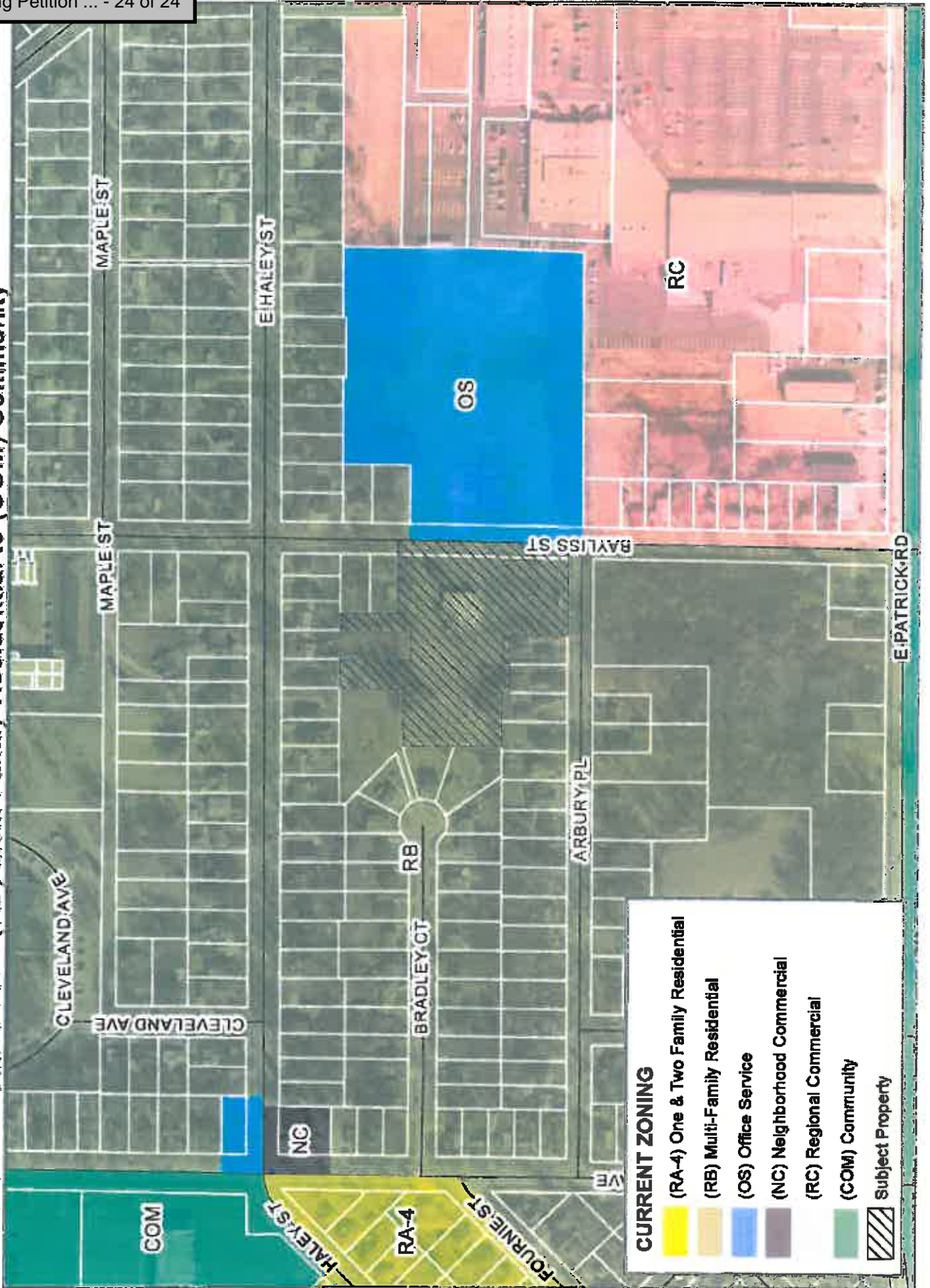
> ZP #603 - Creative 360 - (RB) Multi-Family Residential to (COM) Community





# 151/ Bayliss Street

> ZP #603 - Creative 360 - (RB) Multi-Family Residential to (COM) Community



Attached documents for item Approving resolutions for Currie Municipal Golf Course:  
KEENAN

**SUMMARY REPORT TO MANAGER**  
For City Council Meeting of January 11, 2016

**SUBJECT:** Accepting gifts from the Mary C. Currie Foundation, and setting a public hearing to amend the 2015-16 Currie Municipal Golf Course Fund budget to increase revenues and expenses to provide authorization to spend these donated funds.

**INITIATED BY:** David A. Keenan, Assistant City Manager

**RESOLUTION SUMMARY:**

Resolutions

- a. Accept gifts of \$10,000 and \$20,000 from the Mary C. Currie Foundation, and
- b. Set a public hearing for Monday, January 25, 2016, in the Council Chambers of City Hall on the proposal to amend the 2015-16 Currie Municipal Golf Course Fund budget to increase revenues and expenses by \$30,000 for tree removal and reforestation, and demolition of the old driving range building and restoration of the surrounding area.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolutions

**CITY COUNCIL ACTION:**

3/5 affirmative vote required for adoption

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David A. Keenan  
Assistant City Manager



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

TO: Jon Lynch, City Manager

FM: David A. Keenan, Assistant City Manager

DT: January 6, 2016

RE: Amending the 2015-16 Golf Course Fund Budget

As a result of the emerald ash borer arriving in our community a few years back, the Currie Municipal Golf Course (the Course) has many dead trees throughout the property. The placement of some of these dead trees is relevant to not only the aesthetics of the Course, but also to the playability of some of the holes, and the safety of the golfers.

While the grounds maintenance staff has been making some headway in the area of tree removal, their resources are somewhat limited, and some trees are simply too large for them to remove and will need to be contracted. Tree replacement is still in the planning stage. The Mary C. Currie Foundation has generously given the Course \$10,000 to help facilitate the tree removal and the reforestation process.

In the fall of 2014 the driving range was relocated from the southwest part of the property to an area formerly occupied by the first and ninth holes of the East Course Front Nine. In May of 2015 the driving range opened at its new location. As a planned cost saving measure, the former driving range location has been allowed to return to nature. Also, as a result of the relocation, the old point-of-sale building that needed significant repairs for both safety and aesthetics can now be torn down. There is also a large gravel parking lot that needs to be partly removed, and some aged and dilapidated fencing that needs to be taken down. The Mary C. Currie Foundation has provided a second gift of \$20,000 to help defray the costs of demolishing the old building and restoring the surrounding area.

In order to spend these two gifts, it is necessary to amend the 2015-16 Currie Municipal Golf Course Fund budget. Amending a budget requires a public hearing and Council involvement at two separate meetings: the first meeting to set the date for a public hearing, and the second to hold a public hearing. In addition to formally accepting these gifts from the Mary C. Currie Foundation, the attached resolutions for City Council's consideration would schedule January 25, 2016 as the date for holding a public hearing. The gifts will be discussed publicly during the staff presentation for the public hearing.



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

BY COUNCILMAN

WHEREAS, the Mary C. Currie Foundation has given the Currie Municipal Golf Course gifts in the amount of \$10,000 for tree removal and reforestation, and \$20,000 for the demolition of the old driving range building and restoration of the surrounding area; now therefore

RESOLVED, that the City Council of the City of Midland graciously accepts these gifts of \$10,000 and \$20,000 from the Mary C. Currie Foundation.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all of the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

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Selina Tisdale, City Clerk



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

BY COUNCILMAN

WHEREAS, the Mary C. Currie Foundation has given the Currie Municipal Golf Course gifts in the amount of \$10,000 for tree removal and reforestation, and \$20,000 for the demolition of the old driving range building and restoration of the surrounding area; and

WHEREAS, the 2015-16 Currie Municipal Golf Course Fund budget does not currently include expenditures related to these projects, and in order to spend these gifts for the purpose intended, it is necessary to amend the 2015-16 Currie Municipal Golf Course Fund budget; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m. Monday, January 25, 2016 in the Council Chambers of City Hall on the proposal to amend the 2015-16 Currie Municipal Golf Course Fund budget to increase revenues and expenses by \$30,000 to provide authorization to spend the gifts from the Mary C. Currie Foundation for the purposes described herein; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all of the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

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Selina Tisdale, City Clerk

Attached documents for item Accepting a grant of \$15,000 from the Midland Area Community Foundation for the purchase of a new Technical Rescue Equipment Trailer. COUGHLIN

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of January 11, 2016

**SUBJECT:** Accepting a grant from the Midland Area Community Foundation.

**INITIATED BY:** Fire Department

**RESOLUTION SUMMARY:** This resolution accepts a grant of \$15,000 from the Midland Area Community Foundation.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Letter from Midland Area Community Foundation
3. Resolution

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

Chris Coughlin  
Fire Chief  
January 11, 2016





# Midland

*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

January 6, 2016

Jon Lynch  
City Manager  
City of Midland  
Midland, Michigan

Dear Mr. Lynch:

Over the past several months, the Midland Fire Department has been expanding its capabilities to render aide in the specialized area known as technical rescue. Much of the equipment is large and the current repurposed trailer is not of adequate size to safely deliver it to a scene.

We approached the Midland Area Community Foundation for a new, larger purpose-built trailer. In November 2015, the MAFC awarded a grant of \$15,000 to fund replacement of the City of Midland Fire Department's trailer for the rescue equipment.

Staff recommends that City Council accept this generous gift from the Midland Area Community Foundation, to allow for the purchase of a trailer for the technical rescue equipment.

The resolution before Council tonight accepts this generous gift.

Respectfully submitted,

Chris Coughlin  
Fire Chief



November 25, 2015

Chris Coughlin  
City of Midland - Fire Department  
Administrative Office  
816 East Haley  
Midland, MI 48640

Dear Chief Coughlin:

The Midland Area Community Foundation is pleased to inform you that its Board of Trustees authorized a grant in the amount of \$15,000.00 to be disbursed from the Midland Area Community Foundation Unrestricted Endowment Fund. This grant is made in response to your recent request.

Payment of the grant will be made after November 25, 2015, but not prior to your agreeing to the conditions indicated below:

1. Grant funds will be used only for the purpose(s) outlined in your proposal and stated in item #2 following. Any undisbursed grant funds must be returned to the Midland Area Community Foundation.
2. The \$15,000.00 grant must be used in support of a Technical Rescue Trailer, *only*.
3. Financial records must be maintained for expenditures and receipts relating to this proposal, and the Midland Area Community Foundation must be given reasonable access to files, records and personnel related to this project during the term of this grant.
4. A news release must be written and distributed to local newspapers and other appropriate publications announcing this grant and a copy emailed to us at [info@midlandfoundation.org](mailto:info@midlandfoundation.org) within 60 days of receipt of this letter. It must include the following information about the Foundation:

***The Midland Area Community Foundation provides philanthropic leadership to strengthen our community by fostering collaboration and giving today and in the future.***

5. One report on this grant must be submitted on or before June 30, 2016. A link to the grant report document to be used can be found on the Midland Area Community Foundation's website homepage. The report should include a narrative summary of the grant objectives, your progress toward each objective and a financial report detailing receipts and disbursements. The appropriate financial personnel of your organization should sign the financial report, and the board chair and director should sign the written summary. Photographs and photo releases of those pictured (if appropriate) should be included.
6. The Midland Area Community Foundation reserves the right to publish information including photographs, about this grant and your organization.
7. A representative from your organization may be requested to attend a committee, board or annual meeting of the Foundation and present a brief report of how grant monies were used and what your grant accomplished.

76 Ashman Circle Midland, MI 48640 PHONE: 989.839.9661 FAX: 989.839.9907  
EMAIL: [info@midlandfoundation.org](mailto:info@midlandfoundation.org) WEB: [midlandfoundation.org](http://midlandfoundation.org)

**For good. For ever.®**



Confirmed in Compliance with National Standards for U.S. Community Foundations

8. The Midland Area Community Foundation reserves the right to discontinue or modify the terms of this grant, if necessary, at any time, to comply with the law.
9. Additionally, please note that in compliance with Executive Order 13224 and U.S.A. Patriot Act, grants may not be used to support named terrorist organizations or those who may be otherwise associated with terrorists. The Midland Area Community Foundation acknowledges that "support" does not include non-violent activities intended to protect or promote constitutional rights.
10. You must request receipt of your funding by December 20, 2015 by returning this signed letter.

If you agree to the grant conditions stated, please return one complete copy of this letter with your original signature in the space provided. This grant may be withdrawn if this letter of agreement has not been received by the Midland Area Community Foundation by December 20, 2015.

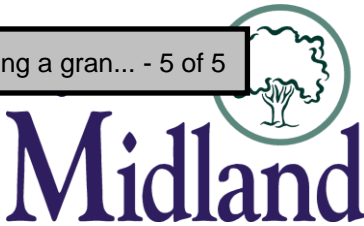
Sincerely,

  
Melissa Kesterson  
Program Officer

We acknowledge that appropriate personnel, specifically including the director of this funded project, have read and understand this letter, that its terms and conditions are acceptable to us and that we will comply with those terms and conditions.

Name of Grantee: City of Midland Fire Department  
Authorized Signature: Chris A. Conigli  
Title: Chief Date: 12/14/2015

Please keep a copy of this agreement for your records.



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

BY COUNCILMAN

WHEREAS, the Midland Area Community Foundation has awarded a grant to the City in the amount of \$15,000 to support the Midland Fire Department Rescue program and will be used to purchase a trailer for the rescue equipment; now therefore

RESOLVED, that the City of Midland graciously accepts the generous donation totaling \$15,000 from the Foundation.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

---

Selina Tisdale, City Clerk

Attached documents for item \* Receiving and filing the City and County Joint Building Authority Audit for the year ended June 30, 2015. KEENAN

**SUMMARY REPORT TO MANAGER**  
For City Council Meeting of January 11, 2016

**SUBJECT:** City and County of Midland Joint Building Authority audit for the year ended June 30, 2015

**INITIATED BY:** David A. Keenan, Assistant City Manager

**RESOLUTION SUMMARY:**

This Resolution receives and files the audit of the City and County of Midland Joint Building Authority for the year ended June 30, 2015.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution
3. Audit for year ended June 30, 2015

**CITY COUNCIL ACTION:**

3/5 affirmative vote required for adoption

---

David A. Keenan  
Assistant City Manager



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

TO: Jon Lynch, City Manager

FM: David A. Keenan, Assistant City Manager

DT: January 6, 2016

RE: City and County of Midland Joint Building Authority audit report for year ended June 30, 2015

Attached to this memo is a proposed Council resolution which would receive and file for public examination the City and County of Midland Joint Building Authority's ("the Authority") annual audit, for the year ended June 30, 2015.

The Authority was formed in 1993 to finance, construct, and operate the Midland Law Enforcement Center. The Authority's income primarily comes from rental income from its two tenants: the City of Midland Police Department and the Midland County Sheriff Department.

The expenses incurred by the Authority relate solely to the maintenance and operation of the building and property. No operational expenses for either the Midland Police Department or the Midland County Sheriff Department are included in these statements. Expenses for those departments are reported in the City's and County's financial statements, respectively.

This financial report is prepared in accordance with standards set by the Governmental Accounting Standards Board. Its major components include the independent auditor's opinion letter, management's discussion and analysis, the financial statements, and the notes to the financial statements. The financial report received an unqualified opinion from the independent auditors, better known as a "clean" opinion.





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BY COUNCILMAN

RESOLVED, that the audit of the City and County of Midland Joint Building Authority for the year ended June 30, 2015 is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all of the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

---

Selina Tisdale, City Clerk

**City and County of Midland  
Joint Building Authority  
Annual Financial Statement and  
Auditor's Report**

**For the year ended  
June 30, 2015**



**CITY AND COUNTY OF MIDLAND JOINT BUILDING  
AUTHORITY**

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**Annual Financial Statement**

**and**

**Auditor's Report**

**For the year ended**

**June 30, 2015**

**Board of Directors**

**Jenee Velasquez - Chairperson**

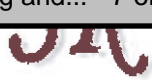
**Bridgette Gransden - Secretary**

**Jon Lynch - Treasurer**

CITY AND COUNTY OF MIDLAND JOINT BUILDING AUTHORITY  
ANNUAL FINANCIAL STATEMENT  
FOR THE YEAR ENDED  
JUNE 30, 2015

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**SMITH & KLACZKIEWICZ, PC**  
**CERTIFIED PUBLIC ACCOUNTANTS**

THOMAS J. SMITH, CPA  
(989) 751-1167

ROBERT R. KLACZKIEWICZ, CPA  
(989) 751-3064

A VETERAN OWNED BUSINESS

**INDEPENDENT AUDITOR'S REPORT**

To the Board of Directors  
City and County of Midland Joint Building Authority  
Midland, MI

We have audited the accompanying financial statements of the business-type activities of the *City and County of Midland Joint Building Authority* as of and for the year ended June 30, 2015, and the related notes to the financial statements, which collectively comprise the *City and County of Midland Joint Building Authority's* basic financial statements as listed in the table of contents.

The prior year comparative information has been derived from the Authority's 2014 financial statements and in our report dated October 2, 2014, we expressed an unmodified opinion on the respective financial statements of the business-type activities.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

**Auditor's Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

**Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities of the *City and County of Midland Joint Building Authority*, as of June 30, 2015, and the respective changes in financial position and cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## **Other Matters**

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3 through 5 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

*Smith + Klauminzig PC*

*Saginaw, Michigan*

September 25, 2015



## CITY AND COUNTY OF MIDLAND JOINT BUILDING AUTHORITY MANAGEMENT'S DISCUSSION AND ANALYSIS

### Using This Annual Report

This annual report consists of the statement of net position, the statement of revenues, expenses, and changes in fund net position, and the statement of cash flows. Along with the footnotes, they provide detailed financial information concerning the City and County of Midland Joint Building Authority (the "Authority"). This section, the management's discussion and analysis, is intended to provide an overview of the Authority's financial condition, results of operations, and other key information.

### Financial Overview

In analyzing the Authority's financial position, it is important to recognize the purpose of the Authority. The Authority was formed in 1993 to finance, construct, and operate the Midland Law Enforcement Center. The Authority's income primarily comes from rental income from its two tenants: The City of Midland Police Department (64.8 percent), and the Midland County Sheriff Department (35.2 percent).

The following table shows the major components of net position as of June 30, 2015, and 2014.

	<u>2015</u>	<u>2014</u>
<b>ASSETS</b>		
Current	\$ 511,654	\$ 361,031
Noncurrent and restricted	714,370	1,030,932
Total assets	<u>1,226,024</u>	<u>1,391,963</u>
<b>LIABILITIES</b>		
Current	<u>36,084</u>	<u>26,354</u>
Total liabilities	<u>36,084</u>	<u>26,354</u>
<b>NET POSITION</b>		
Restricted	714,370	1,030,932
Unrestricted	475,570	334,677
Total net position	<u>\$ 1,189,940</u>	<u>\$ 1,365,609</u>

The 2015 balance of net position of \$1,189,940 is allocated \$771,081 to the City of Midland, and \$418,859 to the County of Midland. The same allocation for 2014 would be \$884,915 and \$480,694, respectively.

The entire statement of net position can be found on page 5 of this report.

During the year ended June 30, 2015, net position decreased by \$175,669, primarily due to spending of a portion of the capital improvements grant received during the prior fiscal year. The following table summarizes the change in net position for the years ended June 30, 2015, and 2014:

	<b>2015</b>	<b>2014</b>
Revenue		
Rental income	\$ 495,900	\$ 599,999
Other	1,073	968
Capital improvements grant	-	655,000
<b>Total revenue</b>	<b>496,973</b>	<b>1,255,967</b>
Expenses		
Audit and legal	3,500	3,250
Insurance	12,943	13,987
Utilities	115,324	124,169
Building and grounds maintenance	189,172	158,577
Equipment maintenance	35,141	31,273
Capital Outlay	316,562	124,068
<b>Total expenses</b>	<b>672,642</b>	<b>455,324</b>
<b>Change in net position</b>	<b>(175,669)</b>	<b>800,643</b>
Net position - beginning	1,365,609	564,966
Net position - ending	<u>\$ 1,189,940</u>	<u>\$ 1,365,609</u>

The entire statement of revenues, expenses, and changes in fund net position is provided on page 6 of this report.

### **Factors Expected to Have an Effect on Future Operations**

During the 2016 fiscal year the Authority will continue to spend the capital improvements grant money on projects including improvements to the HVAC system, the firing range and flooring/wall treatments.

### **Contacting the Authority's Management**

This financial report is intended to provide the City of Midland and the County of Midland with a general overview of the Authority's finances, and to show the Authority's accountability for the money it receives from its two tenants. If you have questions about this report, or require further information regarding the Authority, please contact The City and County of Midland Joint Building Authority, Attention David Keenan, 333 West Ellsworth Street, Midland, MI 48640.

**CITY AND COUNTY OF MIDLAND JOINT BUILDING AUTHORITY**  
**STATEMENT OF NET POSITION**  
**JUNE 30**

	<u>2015</u>	<u>2014</u>
<b>Assets</b>		
Cash	\$ 496,415	\$ 347,942
Restricted assets (for construction and major maintenance) - cash	714,370	1,030,932
Prepaid items	<u>15,239</u>	<u>13,089</u>
Total assets	<u>1,226,024</u>	<u>1,391,963</u>
<b>Liabilities</b>		
Accounts payable	<u>36,084</u>	<u>26,354</u>
Total liabilities	<u>36,084</u>	<u>26,354</u>
<b>Net Position</b>		
Restricted for major maintenance	714,370	1,030,932
Unrestricted	<u>475,570</u>	<u>334,677</u>
Total net position	<u><u>\$ 1,189,940</u></u>	<u><u>\$ 1,365,609</u></u>

See notes to financial statements

**CITY AND COUNTY OF MIDLAND JOINT BUILDING AUTHORITY  
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION  
FOR THE YEARS ENDED JUNE 30**

	<u>2015</u>	<u>2014</u>
<b>Operating revenue</b>		
Rental income	<u>\$ 495,900</u>	<u>\$ 599,999</u>
<b>Operating expenses</b>		
Audit and legal	3,500	3,250
Insurance	12,943	13,987
Utilities	115,324	124,169
Building and grounds maintenance	189,172	158,577
Equipment maintenance	<u>35,141</u>	<u>31,273</u>
Total operating expenses	<u>356,080</u>	<u>331,256</u>
<b>Net operating income (loss)</b>	<u>139,820</u>	<u>268,743</u>
<b>Nonoperating revenue (expense)</b>		
Interest income	1,073	968
Capital improvements grant	-	655,000
Capital outlay expenses	<u>(316,562)</u>	<u>(124,068)</u>
Total nonoperating revenue (expense)	<u>(315,489)</u>	<u>531,900</u>
<b>Change in net position</b>	(175,669)	800,643
<b>Net position - beginning of year</b>	<u>1,365,609</u>	<u>564,966</u>
<b>Net position - end of year</b>	<u><u>\$ 1,189,940</u></u>	<u><u>\$ 1,365,609</u></u>

See notes to financial statements

**CITY AND COUNTY OF MIDLAND JOINT BUILDING AUTHORITY  
STATEMENT OF CASH FLOWS  
FOR THE YEARS ENDED JUNE 30**

	<u>2015</u>	<u>2014</u>
<b>Cash flows from operating activities</b>		
Cash received from lease contracts	\$ 495,900	\$ 599,999
Payments to suppliers for goods and services	<u>(348,500)</u>	<u>(335,094)</u>
Net cash provided by (used in) operating activities	<u>147,400</u>	<u>264,905</u>
<b>Cash flows from capital and related financing activities</b>		
Capital improvements grant proceeds	-	655,000
Capital outlay expenses	<u>(316,562)</u>	<u>(124,068)</u>
Net cash provided by capital and related financing activities	<u>(316,562)</u>	<u>530,932</u>
<b>Cash flows from investing activities</b>		
Interest received on deposits	<u>1,073</u>	<u>968</u>
<b>Net increase (decrease) in cash</b>	(168,089)	796,805
<b>Cash - beginning</b>	<u>1,378,874</u>	<u>582,069</u>
<b>Cash - ending</b>	<u><u>\$1,210,785</u></u>	<u><u>\$1,378,874</u></u>
<b>Reconciliation of operating income to cash flows from operating activities</b>		
Operating income (loss)	\$ 139,820	\$ 268,743
Increase (decrease) in current assets and liabilities		
Prepaid expenses	(2,150)	1,495
Accounts payable	<u>9,730</u>	<u>(5,333)</u>
Net cash provided by (used in) operating activities	<u><u>\$ 147,400</u></u>	<u><u>\$ 264,905</u></u>
<b>Balance sheet classification of cash</b>		
Unrestricted cash	\$ 496,415	\$ 347,942
Restricted cash	<u>714,370</u>	<u>1,030,932</u>
	<u><u>\$1,210,785</u></u>	<u><u>\$1,378,874</u></u>

See notes to financial statements

**D COUNTY OF MIDLAND JOINT BUILDING AUTHORITY**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2015 and 2014**

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**NOTE 1 - REPORTING ENTITY**

The City and County of Midland Joint Building Authority (the "Authority") was incorporated in 1993 under the provisions of Act 31, Public Acts of Michigan, 1948, as amended to finance, construct, and operate the Midland Law Enforcement Center. The Midland Law Enforcement Center is owned jointly by the City of Midland and Midland County. The Authority operates and maintains the Midland Law Enforcement Center for the City of Midland Police Department and the Midland County Sheriff Department and charges rent to fund the operating and maintenance costs. The Authority is governed by a three-person board with the City and County each appointing one member and with the third member being mutually appointed.

The financial operations of the Authority are presented as a joint venture in the annual financial statements of both the City of Midland and the County of Midland. In accordance with accounting principles generally accepted in the United States of America (U.S. GAAP), there are no component units included in these financial statements.

**NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The accounting policies of the Authority conform to U.S. GAAP, as applicable to governmental entities. The following is a summary of the more significant policies:

**A. Basis of Presentation**

The financial statements have been prepared in accordance with U.S. GAAP as prescribed by the Governmental Accounting Standards Board (GASB).

**B. Basis of Accounting**

The Authority uses the accrual method of accounting except for capital outlay expenditures, which are expensed as incurred. The construction costs of the Law Enforcement Center as well as subsequent capital improvements and purchases are reported on the government-wide statements of the City and County.

**C. Restricted Cash**

When an expense is incurred for purposes for which both restricted and unrestricted net position are available, the Authority's policy is to first spend restricted net position.

**D. Use of Estimates**

The preparation of the financial statements in conformity with U.S. GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.



**D COUNTY OF MIDLAND JOINT BUILDING AUTHORITY**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2015 and 2014**

**E. Proprietary Funds**

Proprietary funds distinguish operating revenue and expenses from non-operating items. Operating revenue and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operating. The principal operating revenue of the Authority relates to rental charges to the City and County. Operating expenses include the costs to maintain the building and equipment, general and administrative expenses, utilities, and insurance. All revenue and expenses not meeting this definition are reported as non-operating revenue and expenses.

**F. Cash Equivalents**

For purposes of the Statement of Cash Flows, the Authority has defined cash and cash equivalents to include demand deposits.

**NOTE 3 - DEPOSITS AND INVESTMENTS**

Michigan Compiled Laws Section 129.91 (Public Act 20 of 1943, as amended), authorizes local governmental units to make deposits and invest in the accounts of federally insured banks, credit unions, and savings and loan associations that have offices in Michigan. The local unit is allowed to invest in bonds, securities, and other direct obligations of the United States or any agency or instrumentality of the United States; repurchase agreements; bankers' acceptances of United States banks; commercial paper rated within the two highest classifications, which mature not more than 270 days after the date of purchase; obligations of the State of Michigan or its political subdivisions, which are rated as investment grade; and mutual funds composed of investment vehicles that are legal for direct investment by local units of government in Michigan. At year end the carrying amount of the Authority deposits is as follows:

<u>Deposits</u>	<u>2015</u>	<u>2014</u>
Net Carrying Amount	\$ 1,210,785	\$ 1,378,874
Bank Balance	1,221,529	1,464,865
Federal Depository Insurance	250,000	250,000
Uninsured/Uncollateralized	971,529	1,214,865

The Authority held no investments at June 30, 2015 and 2014.

**NOTE 4 - LEASE CONTRACTS AND RESTRICTED ASSETS**

Annual leases that automatically renew are in effect with both the City of Midland and the County of Midland. These leases provide for payment of rents amounting to 64.8 percent of the Authority's annual operating costs by the City and 35.2 percent by the County.

Under the agreements, certain amounts are required to be set aside in a reserve for major maintenance, the use of which is restricted for the purpose of financing repairs to the major structural and system components of the Law Enforcement Center.

**D COUNTY OF MIDLAND JOINT BUILDING AUTHORITY**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2015 and 2014**

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During the 2014 fiscal year the Authority received a \$655,000 grant from The Herbert H. & Grace A. Dow Foundation. These funds are being used for capital improvements; accordingly, the unspent portion is also included in assets restricted for major maintenance.

Details of the assets restricted for major maintenance are as follows:

	<u>2015</u>	<u>2014</u>
Lease required reserve	\$ 500,000	\$ 500,000
Unspent capital grant	<u>214,370</u>	<u>530,932</u>
Assets restricted for major maintenance	<u>\$ 714,370</u>	<u>\$ 1,030,932</u>

**NOTE 5 - RISK MANAGEMENT**

The Authority is exposed to various risks of loss related to property loss, torts, and errors and omissions. The Authority participates in the Michigan Municipal League Property and Liability Pool for claims relating to property and liability. The Pool programs operate as common risk-sharing/management programs for local units of government in Michigan. Member premiums are used to purchase commercial excess insurance coverage and to pay member claims in excess of deductible amounts. The Authority's maximum deductible for property and liability coverage is \$1,000 per occurrence. The Authority has had no settled claims resulting from these risks that exceeded their coverage in the past three fiscal years.

Attached documents for item \* Modernization of two East End Elevators at Washington Woods.  
KAYE

**SUMMARY REPORT TO CITY MANAGER  
For City Council Meeting 1-11-16**

**SUBJECT:** Modernization of two (2) east end elevators at Washington Woods

**PETITIONER:** Washington Woods

**SUMMARY:** THIS RESOLUTION AUTHORIZES A PURCHASE ORDER TO B&D ELEVATOR SERVICES, INC. FOR \$116,650.00 FOR THE PURPOSE OF MODERNIZING TWO (2) EAST END ELEVATORS AT WASHINGTON WOODS.

**ITEMS ATTACHED:**

1. Letter to City Manager
2. Bid Tabulation for Bid No. 3739
3. Resolution for City Council Action

**CITY COUNCIL ACTION:**

1. Public hearing is not required.
2. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

1-6-16



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)*

January 6, 2016

Jon Lynch, City Manager  
City Hall – 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

OTIS Elevator Company, under contract with the City of Midland, provides elevator maintenance service to Washington Woods. In April of 2013, OTIS advised that elevators on both the east and west ends at Washington Woods were becoming increasingly difficult to maintain. Due to the age of the elevators, parts were becoming obsolete, difficult to obtain, and were increasing in cost. As such, OTIS could no longer guarantee their ability to quickly repair the elevators should they break down. The east end elevators, in particular, were considered most likely to fail and most difficult to find replacement parts for. Complete modernization of the two (2) east end elevators was strongly recommended by OTIS.

In response to the concerns expressed by OTIS, funding for modernization of the elevators was requested through the Community Development Block Grant program. Upon the recommendation of the Housing Commission, City Council allocated \$80,000 in CDBG funding towards the modernization of one elevator. A further \$80,000 was budgeted from working capital funds towards the second elevator. These funds are included in the current fiscal year budget.

Following budget approval, competitive bids were sought for modernization of the two elevators. On December 1, 2015, sealed proposals were publicly opened and read by the Senior Procurement Accountant for Bid No. 3739 for the modernization of the two (2) east end elevators at Washington Woods. Three proposals were received in response to the bid invitation. B&D Elevator Services, Inc. of Owosso, MI was the low bid for this project and staff has determined that they are able to do the elevator modifications per bid specifications. The bid tabulation table is attached showing all bids received.

Subsequent to the bid process, it was determined that a bid bond will be required for the work to be completed. As the low bidder, B&D Elevator Services was asked to provide a cost for the provision of this bond. An additional cost of \$3,700 was provided, bringing the total bid price for modernization of the two elevators to \$116,650.

It is recommended that City Council accept the proposal submitted by B&D Elevator Services Inc. for the modernization of the Washington Woods east end elevators. As the elevators are original equipment in Washington Woods and currently unforeseen challenges may arise during this work, additional contingency funding of up to \$20,000 total is recommended to be utilized

East End Elevators Washington Woods

January 6, 2015

only under the authority of the City Manager. A 3/5 vote is required to approve the attached resolution.

Respectfully,

---

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

---

Annie Thrush  
Senior Procurement Accountant



**City of Midland, MI**  
 Tabulation for Bid No. 3739  
 Elevator Modernization  
 Tuesday, December 1, 2015 2:00pm

	Bidder Name				
	Otis Elevator	Great Lakes Elevator	B&D		
Modernization Services for one (1) elevator at the Kitchen Elevator (state id 21794) at Washington Woods Senior Housing building per the attached specifications. (prevailing wage rate applies)	\$59,500.00	\$56,250.00	\$55,375.00		
Modernization Services for one (1) elevator at the Lobby Elevator (state id 21795) at Washington Woods Senior Housing building per the attached specifications. (prevailing wage rates do NOT apply)	\$64,750.00	\$66,665.00	\$49,375.00		
<b>TOTAL BASE BID</b>	<b>\$124,250.00</b>	<b>\$122,915.00</b>	<b>\$104,750.00</b>		
Alternate 1: Substitute a solid starter per specs)	included above	included above	\$200.00		
Alternate 2: Interior upgrades tp the cabs per specs	\$20,250.00	\$25,150.00	\$8,000.00		
<b>TOTAL BID</b>	<b>\$144,500.00</b>	<b>\$148,065.00</b>	<b>\$112,950.00</b>		



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BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for modernization of two (2) east end elevators at Washington Woods, Bid No. 3739; and

WHEREAS, sufficient funds are included in account # 536.9120.97.025, Capital Outlay Equipment of the approved 2015/16 Washington Woods budget; now therefore

RESOLVED, that the low sealed proposal meeting City specifications submitted by B&D Elevator Services, Inc. of Owosso, Michigan for modernization of two (2) east end elevators at Washington Woods in their Response for Bid No. 3739 is hereby accepted; and

RESOLVED FURTHER, that the Senior Procurement Accountant is authorized to issue a purchase order for \$116,650.00 in accord with this resolution and City specifications; and

RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute any associated documents in accordance with the proposal and City of Midland specifications once prepared by and/or approved by the City Attorney; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders in an aggregate amount not to exceed \$20,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

---

Selina Tisdale, City Clerk

Bid No. 3739

East End Elevators Washington Woods

Attached documents for item \* Demolition and Abatement of 13 West Wing Units at Washington Woods. KAYE

**SUMMARY REPORT TO CITY MANAGER  
For City Council Meeting 1-11-16**

**SUBJECT:** Demolition and Abatement of thirteen (13) West Wing Washington Woods Units

**PETITIONER:** Washington Woods

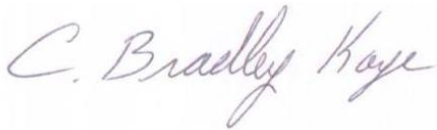
**SUMMARY:** THIS RESOLUTION AUTHORIZES A PURCHASE ORDER TO QUALITY ENVIRONMENTAL SERVICES, INC. FOR \$56,250.00 FOR THE PURPOSE OF DEMOLITION AND ABATEMENT OF THIRTEEN (13) WEST WING UNITS AT WASHINGTON WOODS.

**ITEMS ATTACHED:**

1. Letter to City Manager
2. Bid Tabulation for Bid No. 3748
3. Resolution for City Council Action

**CITY COUNCIL ACTION:**

1. Public hearing is not required.
2. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

1-11-16



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January 6, 2016

Jon Lynch, City Manager  
City Hall – 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

Early in 2015, asbestos containing materials were identified at the Washington Woods senior living facility. With generous support from The Herbert H. and Grace A. Dow Foundation, the Rollin M. Gerstacker Foundation and the Charles J. Strosacker Foundation, \$4 million in funding was secured to remove and abate the asbestos containing materials and renovate all 100 residential units in the west wing of the facility. This funding will be provided to the City by the Foundations over a three-year period of time, beginning in FY 2015/16.

Since receiving funding commitments from the local Foundations and including such funds in the Washington Woods budget, city staff has begun the process of determining specific requirements for abatement and renovation work. Three pilot rooms were selected as representative of the unit locations and layouts that must be remodeled. Abatement work on these three units is now complete and renovation is underway with completion expected by the end of January 2016.

Currently, plans are being developed for complete abatement and renovation on the next set of available units. There are 13 units that have been vacated and are presently available. The first step necessary is demolition of the unit interiors, followed by removal and abatement of all asbestos containing materials. Completion of this work will ready each of the 13 units for renovations and re-occupancy.

In preparation for the pending renovations of the 13 residential units, competitive bids were sought for demolition and abatement work. On January 5, 2016, sealed proposals were publicly opened and read by the City Senior Procurement Accountant for Bid No. 3748 for the demolition and abatement of 13 units at Washington Woods. Seven proposals were received in response to the bid invitation. The bid tabulation is attached showing all bids received.

Upon preliminary review of the submitted bids, it was determined that Total Environmental was low bid by \$850 over Quality Environmental Services. Upon more detailed review, however, it was noted that the Total Environmental bid would require 19 working days to complete whereas the Quality Environmental Services bid would require only 8 working days to complete. In order to comply with MIOSHA requirements, air quality monitoring must take place at all times during the abatement process. At a cost of \$500 per day, this would result in additional charges of \$5,500 for the additional 11 days of work if the Total Environmental bid were accepted. Based on the benefits of minimizing disruption to staff and residents of the facility, and the overall cost savings that will result from the shortened work schedule, the second lowest bid of Quality Environmental Services in the amount of \$56,520 is therefore considered most desirable.

In terms of capabilities, Quality Environmental Services, Inc. is the company that was initially selected to complete the three pilot room apartments and are therefore already familiar with the

project. Their work to date has fully met the needs and expectations of the city. Staff has determined that they are able and available to do the demolition and abatement per bid specifications.

It is recommended that City Council accept the proposal submitted by Quality Environmental Services, Inc. in the amount of \$56,250.00 for the demolition and abatement of 13 units in the west end of Washington Woods. A 3/5 vote is required to approve the attached resolution.

Respectfully,

---

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

---

Annie Thrush  
Senior Procurement Account

**CITY OF MIDLAND  
BID TABULATION  
BID 3748 - WASHINGTON WOODS ASBESTOS ABATEMENT  
BID OPENING: TUESDAY, JANUARY 5, 2016 2:00 PM**

	QUALITY ENVIRONMENTAL SERVICES	BIERLEIN COMPANIES	TRUST THERMAL ABATEMENT	ASBESTOS ABATEMENT	DORE & ASSOC CONTRACTING	TOTAL ENVIRONMENTAL	EME
<b>Asbestos Abatement</b>	\$39,410.00	\$61,640.00	\$104,200.00	\$58,660.00	\$37,670.00	\$28,900.00	\$48,000.00
<b>Interior Demolition</b>	\$16,840.00	\$41,600.00	\$37,700.00	\$13,330.00	\$46,660.00	\$26,500.00	\$22,500.00
<b>TOTAL BID</b>	\$56,250.00	\$103,240.00	\$141,900.00	\$71,990.00	\$84,330.00	\$55,400.00	\$70,500.00
<b>Calendar Days to complete work</b>	8	no response	no response	36-38	no response	19	13



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BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for demolition and abatement of 13 apartments at Washington Woods, Bid No. 3748; and

WHEREAS, sufficient funds are included in account # 536.9010.97.002, Capital Outlay Construction of the approved 2015/16 Washington Woods budget; now therefore

RESOLVED, that the sealed proposal meeting City specifications submitted by Quality Environmental Services, Inc. of Gladwin, Michigan for demolition and abatement of 13 apartments at Washington Woods in their Response for Bid No. 3748 is hereby accepted; and

RESOLVED FURTHER, that the Senior Procurement Accountant is authorized to issue a purchase order for \$56,250.00 in accord with this resolution and City specifications; and

RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute any associated documents in accordance with the proposal and City of Midland specifications once prepared by and/or approved by the City Attorney; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders in an aggregate amount not to exceed \$5,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

---

Selina Tisdale, City Clerk

Bid No. 3739

Demolition and Abatement 13 Units Washington Woods



Attached documents for item \* Payment to Braun, Kendrick, Finkbeiner, P.L.C. for contracted legal services relating to the City's defense in the Larkin Charter Township complaint filed with the 42nd Circuit Court for the County of Midland. BRANSON

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of January 11, 2016

**SUBJECT:** Approval of payment for contracted legal services.

**INITIATED BY:** City Attorney

**RESOLUTION SUMMARY:** This resolution authorizes payment to Braun, Kendrick, Finkbeiner, P.L.C. for contracted legal services relating to the City's defense in the Larkin Charter Township complaint filed with the 42<sup>nd</sup> Circuit Court for the County of Midland.

**ITEMS ATTACHED:**

1. Letter of Transmittal.
2. Resolution.

**COUNCIL ACTION:**

1. 3/5 vote required to approve.

James O. Branson III  
City Attorney



# Midland

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January 6, 2016

Jon Lynch  
City Manager  
City of Midland  
Midland, Michigan 48640

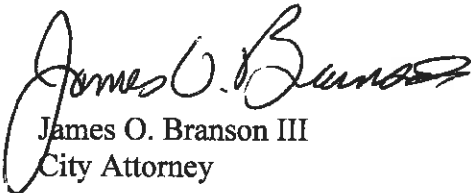
Dear Mr. Lynch:

In August 2014 Larkin Charter Township filed a complaint under a declaratory action against the City of Midland in the 42<sup>nd</sup> Circuit Court for the County of Midland in connection with the Urban Cooperation Act Agreement entered into between the two municipalities in June 1991. The law firm of Braun, Kendrick, Finkbeiner, P.L.C. has been retained in assisting the City in its defense of this lawsuit.

The resolution for your consideration increases the amount authorized to the law firm of Braun, Kendrick, Finkbeiner, P.L.C. for its legal assistance in this matter to an amount not to exceed \$80,000.00. Budgetary funding for this expenditure is included in the 2015-2016 Legal Fees budget for the City Attorney's Office.

Please feel free to contact my office if you should have any questions or comments.

Sincerely,



James O. Branson III  
City Attorney

JOB/lak



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BY COUNCILMAN

WHEREAS, Larkin Charter Township filed a complaint under a declaratory action against the City of Midland in the 42<sup>nd</sup> Circuit Court for the County of Midland; and

WHEREAS, the law firm of Braun, Kendrick, Finkbeiner, P.L.C. has been retained in assisting the City of Midland in its legal defense of this lawsuit; and

WHEREAS, on March 23, 2015 City Council authorized payments to Braun, Kendrick, Finkbeiner, P.L.C. for the aforementioned services in a total amount not to exceed \$60,000; and

WHEREAS, the cost of said services is expected to exceed \$20,000 and, therefore, approval of the City Council is required under Section 2-18 of the Code of Ordinances; and

WHEREAS, sufficient budgetary funding exists within the 2015-2016 Legal Fees budget for the City Attorney's Office; now therefore

RESOLVED, that the above-referenced services are hereby determined to be professional services within the meaning of Section 2-19 of the Code of Ordinances and do not require sealed proposals; and

RESOLVED FURTHER, that authorization for payment to the legal firm of Braun, Kendrick, Finkbeiner, P.L.C. for their assistance in connection with the aforementioned lawsuit is hereby authorized in an amount not to exceed \$80,000.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all of the Councilmen present at a regular meeting of the City Council held on Monday, January 11, 2016.

---

Selina Tisdale, City Clerk

Attached documents for item \* Pool Chemicals. MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of January 11, 2016**

**SUBJECT:** Purchase Pool Chemicals

**RESOLUTION SUMMARY:** This resolution authorizes the purchase up to the amount of \$29,585 to Midland Pool & Recreation of Midland, Michigan for the purchase of pool chemicals for both the 2016 and 2017 pool seasons.

**ITEMS ATTACHED:**

1. Transmittal letter to City Manager
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

---

Karen Murphy  
Director of Public Services

MMR



Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

January 4, 2016

Jon Lynch  
City Manager  
Midland, Michigan

RE: Approve purchase of pool chemicals

On December 8, 2015 sealed proposals were publicly opened and read by the Senior Procurement Accountant for Bid No. 3741 for pool chemicals for the 2016 and 2017 seasons. Bids were received as follows for estimated quantities of product:

Company	200 50# Pails Pulsar Briquettes	300 Gallon-size Muriatic Acid	200 Gallon-size Liquid Chlorine	Total
O.P. Aquatics Lansing, MI	\$113.00 ea \$22,600	\$3.75 ea \$1,125	\$2.525 ea \$505.00	\$24,230
B & B Pools Livonia, MI	\$120.50 ea \$24,100	\$7.00 ea \$2,100	\$5.00 ea \$1,000	\$27,200
Midland Pool & Recreation Midland, MI	\$136.00 ea \$27,200	\$5.75 ea \$1,725	\$3.30 ea \$660	\$29,585

The bid requested that chemicals be delivered on an as needed basis due to limited storage space at Plymouth Pool and within twelve hours of order placement. In addition, the bid requested that the muriatic acid container be filled by the vendor when muriatic acid is delivered due to the hazardous nature of this chemical.

Although O. P. Aquatics of Lansing, MI was the low bidder, they were not bidding Pulsar Briquettes and they could not meet our twelve hour delivery requirement.

Although B & B Pools of Livonia, MI was the next low bidder, their delivery lead time is three days from order placement, they require a minimum order of \$2,000, and charge \$150 per delivery. They also stated that they would not be responsible for filling the muriatic acid container.

Midland Pool & Recreation, though the highest overall bidder, is able to meet our twelve hour delivery requirement and is willing to fill the muriatic acid container when muriatic acid is delivered. Midland Pool & Recreation has provided pool chemicals for operations in prior years and staff has been pleased with their level of service and expertise.

We therefore recommend that City Council accept the bid submitted by Midland Pool & Recreation of Midland, Michigan for the 2016 and 2017 pool seasons and the Senior Procurement Accountant be authorized to issue a purchase order up to \$29,585 for the purchase of pool chemicals for each year.

Respectfully submitted,

---

Karen Murphy  
Director of Public Services

---

Annie Thrush  
Senior Procurement Accountant



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BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the purchase of pool chemicals, on Bid No. 3741 dated December 8, 2015 for the 2016 and 2017 pool seasons; and

WHEREAS, the low bid meeting City specifications was submitted by Midland Pool & Recreation of Midland, Michigan; and

WHEREAS, staff has been satisfied with Midland Pool & Recreation's performance in supplying pool chemicals on an as needed basis in prior years; and

WHEREAS, sufficient funds are included in the Plymouth Pool budget in the Recreation Fund for the purchase of the pool chemicals; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Midland Pool & Recreation of Midland, Michigan in the amount up to \$29,585 for each of the 2016 and 2017 pool seasons.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

---

Selina Tisdale, City Clerk



Attached documents for item \* Bituminous Mixture #2 - Public Services. MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of January 11, 2016**

**SUBJECT:** Annual purchase of Bituminous Mixture #2

**RESOLUTION SUMMARY:** This resolution awards the bid for furnishing and loading onto City trucks Bituminous Mixture #2 to Pyramid Paving & Contracting Co.

**ITEMS ATTACHED:**

1. Transmittal letter to City Manager
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

---

Karen Murphy  
Director of Public Services

MMR



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January 4, 2016

Jon Lynch  
City Manager  
Midland, Michigan

RE: Purchase of Bituminous Mixture #2

On December 15, 2015 sealed proposals were publicly opened and read by the Senior Procurement Accountant for Bid No. 3742 for our annual supply of road materials. The Department of Public Services will use these materials for the repair of city streets.

Funds for these purchases are included in the Operating Supplies line item in Street Fund activities. The total amount of purchases will not exceed the funding available for this purpose.

Bids were received as follows:

<b>Bituminous Mixture #2</b>	<b>Estimated Quantity</b>	<b>Price/Ton</b>	<b>Total Price</b>
Pyramid Paving, Bay City, MI	800 tons	\$49.15	\$39,320
Ace-Saginaw Paving Co., Saginaw, MI	800 tons	\$53.00	\$42,400

Pyramid Paving & Contracting Co. of Bay City, Michigan provided the low bid unit price and meets the specifications set forth in the bid. Therefore, we recommend that City Council accept the bid submitted by Pyramid Paving & Contracting Co. of Bay City, Michigan for 800 tons of Bituminous Mixture #2 at \$49.15 per ton, and authorize the Senior Procurement Accountant to issue a purchase order for this material.

Respectfully submitted,

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Karen Murphy  
Director of Public Services

MMR

---

Annie Thrush  
Senior Procurement Accountant



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BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing bituminous materials; and

WHEREAS, funds have been provided in the Local and Major Street Fund budgets; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Pyramid Paving & Contracting Co. of Bay City, Michigan for furnishing and loading onto City trucks approximately 800 tons of Bituminous Mixture #2 for hot mix patching at a cost of \$49.15 per ton in accordance with the proposal and City specifications.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

---

Selina Tisdale, City Clerk

Attached documents for item \* 22A Crushed Limestone - Public Services. MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of January 11, 2016**

**SUBJECT:** Annual purchase of 22A Crushed Limestone

**RESOLUTION SUMMARY:** This resolution awards the bid for delivery of 22A Crushed Limestone to Anthony Gushow & Sons.

**ITEMS ATTACHED:**

1. Transmittal letter to City Manager
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

---

Karen Murphy  
Director of Public Services

MMR



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January 4, 2016

Jon Lynch  
City Manager  
Midland, Michigan

RE: Purchase of 22A Crushed Limestone

On December 15, 2015 sealed proposals were publicly opened and read by the Senior Procurement Accountant for Bid No. 3744 for our annual supply of road materials. The Department of Public Services and other City departments will use these materials for various construction and repair work.

Funds for these purchases are included in the Operating Supplies line item in the General Fund for Parks maintenance activities and Street Fund activities. The total amount of purchases will not exceed the funding available for this purpose.

Bids were received as follows:

<b>22A Crushed Limestone</b>	<b>Estimated Quantity</b>	<b>Price/Ton</b>	<b>Total Price</b>
Specification Stone Products, Kawkawlin, MI	1,500 tons	\$16.45	\$24,675
Anthony Gushow & Sons, Auburn, MI	1,500 tons	\$16.50	\$24,750
Sterling Excavation, Inc., West Branch, MI	1,500 tons	\$16.62	\$24,930
Fisher Transportation Co., Inc., Mt. Pleasant, MI	1,500 tons	\$17.66	\$26,490
Robbin Harsh Excavating, Inc., Clare, MI	1,500 tons	\$18.25	\$27,375
Pats Gradall, Midland, MI	1,500 tons	\$20.30	\$30,450

The low bid was submitted by Specification Stone Products of Kawkawlin, Michigan; however, estimated delivery is 48 hours which is not acceptable if departments are responding to emergency situations.

The next low bidder is Anthony Gushow & Sons. Their estimated delivery is next day and the material meets the specifications set forth in the bid. Therefore, we recommend that City Council accept the bid submitted by Anthony Gushow & Sons for 1,500 tons of 22A Crushed Limestone at \$16.50 per ton, and authorize the Senior Procurement Accountant to issue a purchase order for this material.

Respectfully submitted,

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Karen Murphy  
Director of Public Services

MMR

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Annie Thrush  
Purchasing Agent



Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing 22A Crushed Limestone; and

WHEREAS, funds have been provided in the General Fund and Local and Major Street Fund budgets; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Anthony Gushow & Sons of Auburn, Michigan for delivering approximately 1,500 tons of 22A Crushed Limestone at a cost of \$16.50 per ton in accordance with the proposal and City specifications.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

---

Selina Tisdale, City Clerk



Attached documents for item \* Concrete - Public Services. MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of January 11, 2016**

**SUBJECT:** Annual purchase of concrete

**RESOLUTION SUMMARY:** This resolution awards the bid for the annual supply of concrete and related materials to Fisher Sand & Gravel Co.

**ITEMS ATTACHED:**

1. Transmittal letter to City Manager
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

---

Karen Murphy  
Director of Public Services

MMR



Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

January 4, 2016

Jon Lynch  
City Manager  
Midland, Michigan

RE: Purchase of concrete and related items

On December 15, 2015 sealed proposals were publicly opened and read by the Senior Procurement Accountant for Bid No. 3743 for our annual supply of concrete and related materials. The Department of Public Services and other City departments will use these materials for various construction and repair work.

Sufficient funds for these purchases are included in the Operating Supplies line item in the General Fund for sidewalk maintenance and Street Fund activities. The total amount of purchases will not exceed the funding available for this purpose.

Bids were received as follows:

Item	Estimated Quantity	Fisher Sand and Gravel, Co. Midland, MI		Elmers Crane and Dozer, Inc. Traverse City, MI	
		Unit Price	Amount	Unit Price	Amount
Type II Concrete (6 bag)	500 cu yd	\$105	\$52,500	\$101	\$50,500
Small Load Delivery Charge	40	\$0	\$0	\$75	\$3,000
Split Load Delivery Charge	20	\$0	\$0	\$50	\$1,000
Extra Unloading Time Charge	5	\$90	\$450	\$90	\$450
<b>Total</b>			<b>\$52,950</b>		<b>\$54,950</b>

The low bid submitted by Fisher Sand & Gravel Co. of Midland, Michigan meets the specifications set forth in the bid. Therefore, we recommend that City Council accept the bid submitted by Fisher Sand & Gravel Co. of Midland, Michigan for concrete and related supplies, and authorize the Senior Procurement Accountant to issue a purchase order for these materials.

Respectfully submitted,

\_\_\_\_\_  
Karen Murphy  
Director of Public Services  
MMR

\_\_\_\_\_  
Annie Thrush  
Senior Procurement Accountant



Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

## BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for concrete and related materials; and

WHEREAS, sufficient funds are included in the Operating Supplies line item in General Fund and Street Fund activities and the total amount of purchases will not exceed the funding; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Fisher Sand & Gravel Co. of Midland, Michigan for furnishing concrete and related materials at the unit prices contained in their December 15, 2015 response to Bid No. 3743 in accordance with the proposal and City specifications.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeave vote of all the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

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Selina Tisdale, City Clerk

Attached documents for item \* Water Service Fittings - Water Distribution. BUSH

**SUMMARY REPORT TO MANAGER**

For City Council Meeting of Monday, January 11, 2016

**SUBJECT:** WATER DISTRIBUTION – INVENTORY PURCHASES OF WATER SERVICE FITTINGS, BID NO. 3747

**INITIATED BY:** Noel D. Bush, Utilities Director

**RESOLUTION SUMMARY:** This resolution accepts the low total bid submitted by ETNA Supply of Grand Rapids, for inventory purchases of water service fittings, and authorizes a purchase order to be issued in the amount of \$90,124.35, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00.

**ITEMS ATTACHED:**

1. Letter to Council
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

NDB:jjjs



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • [CitizenCommentsWater@midland-mi.org](mailto:CitizenCommentsWater@midland-mi.org)

January 6, 2016

Jon Lynch, City Manager  
Midland, Michigan

Re: WATER DISTRIBUTION – INVENTORY PURCHASES OF WATER SERVICE  
FITTINGS, BID NO. 3747

Dear Mr. Lynch:

The City's Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system. As many of these items require immediate attention when discovered, it is necessary to have an inventory of fittings and parts available. Periodic solicitations for bids are necessary as prices for much of the Department's inventory needs are only held by the vendor for a short period of time.

On Tuesday, December 29, 2015, sealed bids were received and opened for Bid No. 3747, Water Service Fittings. The bids received were for 83 individual items, based on estimated quantities to be purchased. The following total bids were received.

Bidder	Total Bid
<b>ETNA Supply - Grand Rapids, MI</b>	<b>\$90,124.35</b>
Michigan Pipe & Valve – Saginaw, MI	\$95,052.00
Municipal Supply – Portland, MI	\$100,365.18

Staff considers the low total bid from ETNA Supply of Grand Rapids to be acceptable, and recommends award for inventory purchases of water service fittings from Water Enterprise Fund Inventory Account #591.13.031.

The attached resolution will authorize a purchase order in an amount not to exceed \$90,124.35, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00. A 3/5 vote is required to approve the resolution.

Respectfully submitted,

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Noel Bush, Utilities Director

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Annie Thrush, Sr. Procurement Accountant



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BY COUNCILMAN

WHEREAS, sealed bids for Bid No. 3747 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff considers the low bid received from ETNA Supply of Grand Rapids to be acceptable, and recommends award for inventory purchases of water service fittings; and

WHEREAS, the purchases will be made from Water Enterprise Fund Inventory Account #591.13.031; now therefore

RESOLVED, that a purchase order is hereby authorized to ETNA Supply in an amount not to exceed \$90,124.35; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve change orders in an aggregate amount not to exceed \$5,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, January 11, 2016.

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Selina Tisdale, City Clerk